

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11/8/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.22754 of 2015
a n d
M.P.Nos.1 and 2 of 2015

1. P.Devendran
2. D. Srinivasan Petitioners

Vs

1. The Commissioner
Chennai Corporation
Rippon Building
Chennai 600 003.
2. The Executive Engineer
Zone - III Corporation of Chennai
Division No.31
Chennai 60.
3. The Assistant Executive Engineer
Unit VIII, Corporation of Chennai
Division No.31
Chennai 60.
4. The Junior Engineer
Division No.31
Corporation of Chennai
Chennai 60. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, to call for the records on the file of the second respondent vide Letter No.Division No.31/62/2015 dated 11/5/2015 and quash the same.

For petitioner : Mr.A.P.Suriya Prakasam
for Mr.J.Milton Arul Rajendran

For respondents : Mrs.Karthikaa Ashok

O R D E R

(Order of the Court was made by SATISH K. AGNIHOTRI,J.)

With the consent of the learned counsel appearing for the parties, the main writ petition itself is taken up for final disposal.

2. Questioning the legality and validity of the notice dated 11th May, 2015 issued under Section 57 r/w. Section 85 of the Town and Country Planning Act, 1971, whereunder, the petitioner was called upon to restore the land to its condition before the said construction took place within thirty days from the date of receipt of the notice, the instant petition is filed.

3. The said impugned order was passed on the basis that pursuant to the Stop Work Notice, neither approved plan was produced nor any reply was submitted by the petitioner. The petitioner has come forward with this petition, assailing the validity of this order, stating that pursuant to the Stop Work Notice, the petitioner has already given a representation and also produced the proper approved plan. Recording the submission of the learned counsel, this Court issued notice on 28th July, 2015. The respondents have filed a reply, justifying the issuance of notice on several grounds. However, there is no denial of the fact that representation along with the plan was made before passing of the order.

4. In that view of the matter, we set aside the impugned order dated 11th May, 2015, granting liberty to the Officer/respondent No.3 to re-examine the entire issue, in the light of the representation made by the petitioner and also the documents filed before issuance of the impugned notice dated 11th May, 2015 and pass a fresh order on its own merit, as per law within a period of two weeks from today.

5. This writ petition is disposed of with the above direction. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

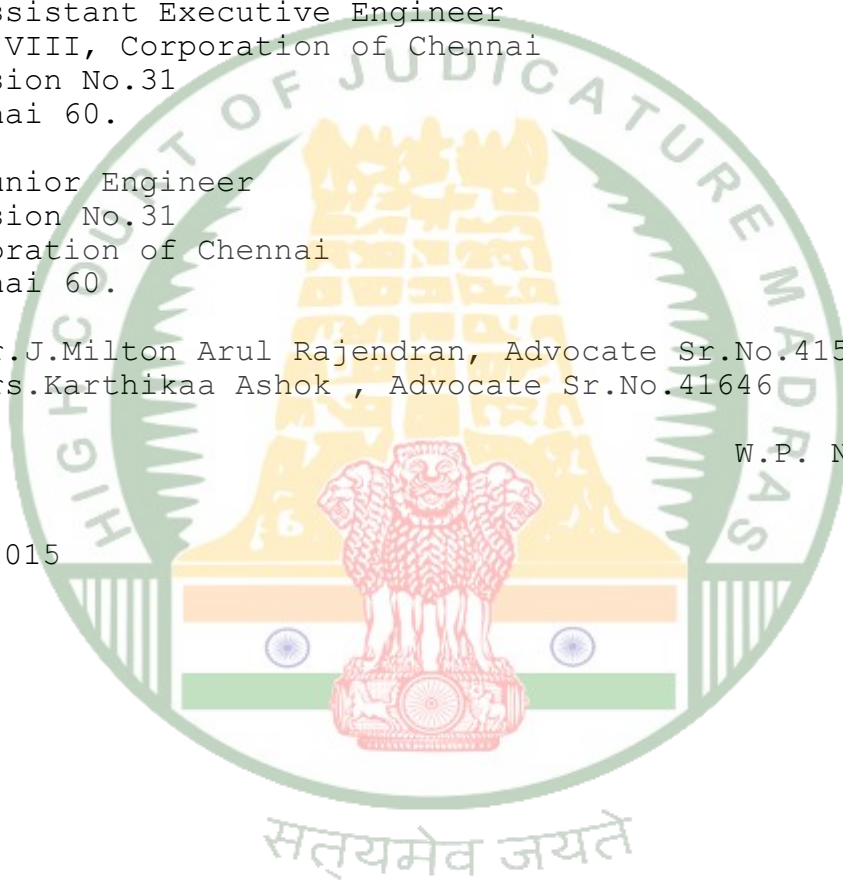
mvs.

To

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 4. The Junior Engineer
Division No.31
Corporation of Chennai
Chennai 60.
- 3 cc to Mr.J.Milton Arul Rajendran, Advocate Sr.No.41560
1 cc to Mrs.Karthikaa Ashok , Advocate Sr.No.41646

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pmk.14.8.2015



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