

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI  
AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.2503 of 2015 and M.P. No.1 of 2015

K. Gopi

Petitioner

Vs.

1 The Commissioner  
Corporation of Chennai  
Ripon Building  
Chennai 600 003

2 The Regional Deputy Commissioner (Central)  
Corporation of Chennai  
Shenoy Nagar  
Chennai 600 030

3 The Zonal Officer  
Zone 7  
Corporation of Chennai  
Ambattur  
Chennai 600 053

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the entire records connected with the impugned notice issued by the second respondent in Z.O. VII.C.No.E1/09191/2014 dated 25.11.2014 and quash the same.

For petitioner Ms. Greetha Senthilkumar  
for M/s. M. Baskar  
For respondents Mr. G. Anantharangan

ORDER

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

Mr. G. Anantharangan, learned Standing Counsel, takes notice for the respondents. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the admission stage itself.

2 Being aggrieved by the notice dated 25.11.2014 issued by the second respondent under the provisions of Section 220 read with Section 222 of the Chennai City Municipal Corporation Act, 1919, the petitioner has come up with the instant writ petition seeking

quashing of the said notice on the ground that the temple in question has been in existence for a long period and there is no encroachment, as stated in the notice. Further, it is urged by the learned counsel before us that the impugned notice was issued without affording an opportunity of hearing.

3 We are of the view that the question with regard to existence of temple on the land cannot be decided in this proceedings. On a reading of the impugned notice, it appears that a road to an extent of 494 sq. ft. has been encroached by the petitioner, while making renovation in the temple in question.

4 Without expressing any opinion on the merits of the case, as we are informed that there is no provision to issue show cause notice and afford an opportunity of hearing to the encroacher, we grant two weeks time to the petitioner to file his reply, putting forward his case before the authorities. Thereafter, the authorities are directed to consider the petitioner's reply in accordance with law and on its own merits and take appropriate action, including removal of encroachment, if it is found that there is an encroachment on the public / service lane.

5 The writ petition stands disposed of with the aforesaid direction. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad  
To

- 1 The Commissioner  
Corporation of Chennai  
Ripon Building, Chennai 600 003
- 2 The Regional Deputy Commissioner (Central)  
Corporation of Chennai  
Shenoy Nagar, Chennai 600 030
- 3 The Zonal Officer  
Zone 7, Corporation of Chennai  
Ambattur, Chennai 600 053.

- 1 cc to Mr.G. Anantharangan ,Advocate, SR.No.5361  
1 cc to M/s. M. Baskar,Advocate, SR.No.5478

W.P. No.2503 of 2015

BR(CO) PMK.04.02.2015