

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.40249 of 2002

M.R.Nanjundappa

...Petitioner

Vs

Chennai Metropolitan
Development Authority
rep. By its Member Secretary
No.8 Gandhi Irwin Road
Egmore
Chennai 600 008.

...Respondent

Prayer :-Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent pertaining to their demolition notice dated 4/9/2002 in notice No.EN/SD/16905/2002 (02433) with regard to demolition of building put up at No.32 Godown Street, Chennai 1 by quashing the same and consequently forbear the respondent from initiating any action of demolition with regard to the aforesaid property.

For petitioner ... Mr.P.Karl Marx
For respondent ... Mr.N.Sampath

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.P.Karlmarx, learned counsel for the petitioner and Mr.N.Sampath, learned Standing Counsel for the respondent.

3. The petitioner has challenged the action initiated by the respondent, threatening to demolish the petitioner's building on the ground that there is some unauthorised construction.

4. At the time when the writ petition was entertained, an order of interim stay was granted on the ground that the demolition notice was not preceded by a show cause notice. The

interim order was made absolute on 11th September 2003. Though several years have passed by, the respondent has not filed counter. Hence the question of interfering the impugned order does not arise.

5. In view of the above, this writ petition is allowed and the impugned order passed by the respondent in notice No.EN/SD/16905/2002 (02433) dated 4th September 2002 is set aside. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs.
To

The Member Secretary
Chennai Metropolitan Development Authority
No.8 Gandhi Irwin Road
Egmore
Chennai 600 008.

+1cc to Mr.N. Sampath, Advocate, S.R.No.61280

AR(CO)
EU(20/11/2015)

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