

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.29752 of 2015

and

M.P. No. 1 of 2015

R. Dhamodharan

..Petitioner

Vs.

1 The Chennai City Municipal Corporation,
rep. by its Commissioner,
Rippon Buildings, Park Town,
Chennai - 600 003.

2 The Executive Engineer,
Zone-10, Corporation of Chennai,
Kodambakkam, Chennai - 600 003.

3 The Assistant Engineer,
Corporation of Chennai,
Division 132,
Ashok Nagar,
Chennai-600 083.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the 2nd respondent in his Notice No.Region CENTRAL/ TPENF/ 003/ 2015 dated 14.08.2015 and quash the same and to direct the respondents to consider and pass orders on the petitioner's representation dated 15.9.2015.

For petitioner : Mr.G. Jeremiah

For respondents : Mr.R. Arunmozhi,
Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

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

2. This writ petition is filed seeking to quash the order of the 2nd respondent in Notice No. Region CENTRAL/ TPENF/ 003/ 2015 dated 14 August 2015 and to direct the respondents to consider and pass orders on the petitioner's representation dated 15 September 2015.

3. On the last hearing, i.e., on 22 September 2015, as projected by the learned counsel for the petitioner that the deviations and the unauthorised portions of the construction were removed by the petitioner, we directed the authorities to cause a fresh inspection and submit a report.

4. Today, it is informed by the learned Standing Counsel for the respondents that the deviations and unauthorised portions are still continuing and the impugned locking, sealing and demolition notice dated 14 August 2015 was issued after site inspection undertaken earlier on 13 August 2015, pursuant to stop work notice/notice calling for approved plan, dated 29 July 2015.

5. Be that as it may, we are not inclined to make any observation qua the correctness of the order sought to be impugned in this writ petition. The said order is appealable before the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

6. Ergo, this writ petition is dismissed, reserving liberty to the petitioner to take re-course to the appellate jurisdiction, if so advised, under the provisions of law. There shall be an order of status quo, as obtained today, in respect of the property in question, for a period of two weeks from today i.e. 06 October, 2015, to enable the petitioner to prefer an appeal before the appellate authority. No costs. Connected miscellaneous petition is closed.

ra

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1 The Chennai City Municipal Corporation,
rep. by its Commissioner,
Rippon Buildings, Park Town,
Chennai - 600 003.

2 The Executive Engineer,
Zone-10, Corporation of Chennai,
Kodambakkam, Chennai - 600 003.

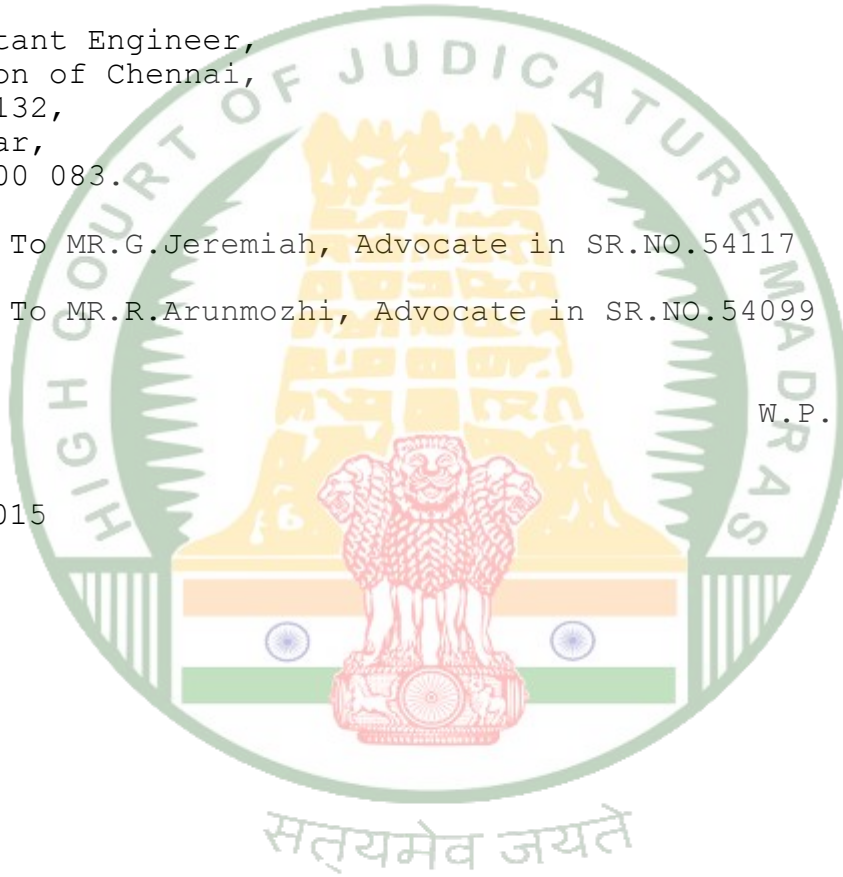
3 The Assistant Engineer,
Corporation of Chennai,
Division 132,
Ashok Nagar,
Chennai-600 083.

+1 C.C. To MR.G.Jeremiah, Advocate in SR.NO.54117

+1 C.C. To MR.R.Arunmozhi, Advocate in SR.NO.54099

W.P. No.29752 of 2015

MSM(CO)
sd : 14/10/2015



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