

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015

CORAM:

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

W.P. Nos.32447 to 32449 of 2015 and M.P. Nos.1 of 2015

Irudhaya Antony Lourdu @ Lourdu Petitioner in WP No.32447 of 2015
K. Sathish Kumar Petitioner in WP No.32448 of 2015
D. Subashini Petitioner in WP No.32449 of 2015

vs.

- 1 The Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009
- 2 The Executive Engineer
(Enforcement - Region Central)
Corporation of Chennai
Regional Office - Central
II Cross Street (East)
Pulla Avenue, Shenoy Nagar, Chennai 600 030
- 3 The Assistant Executive Engineer
(Enforcement - Region Central)
Corporation of Chennai
Regional Office - Central
II Cross Street (East)
Pulla Avenue, Shenoy Nagar, Chennai 600 030
- 4 The Assistant Engineer (Dn.71)
Corporation of Chennai
Zone No.VI
Perambur, Chennai 600 012 Respondents in all the WPs

Prayer in W.P. No.32447 of 2015:

Writ Petition filed under Article 226 of the Constitution seeking a writ of certiorari, calling for the records of the impugned notice issued by the respondents 2 to 4 under Ref.REGIONCENTRAL/TPENF/508/2/2015 dated 29.09.2015 and quash the same as illegal.

Prayer in W.P. No.32448 of 2015:

Writ Petition filed under Article 226 of the Constitution seeking a writ of certiorari, calling for the records of the impugned notice issued by the respondents 2 to 4 under Ref.REGIONCENTRAL/TPENF/508/1/2015 dated 29.09.2015 and quash the same as illegal.

Prayer in W.P. No.32449 of 2015:

Writ Petition filed under Article 226 of the Constitution seeking a writ of certiorari, calling for the records of the impugned notice issued by the respondents 2 to 4 under Ref.REGIONCENTRAL/TPENF/508/3/2015 dated 29.09.2015 and quash the same as illegal.

For petitioner Mr. V. Lakshminarayanan
in all the WPs for M/s. K. Bommuraj

For R1 in Mr. N. Sakthivel
all the WPs Govt. Advocate

For RR 2-4 in Mr. R. Arunmozhi
all the WPs Standing Counsel

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.,)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the first respondent. Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 2 to 4. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2 In view of commonality of the issue involved herein, all the three writ petitions are considered and decided by this common order.

3 These writ petitions are filed assailing the de-occupation notices dated 29 September 2015 issued by the Chennai Corporation under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971.

4 At this juncture, it is pertinent to point out that the petitioner in W.P.No.32447 of 2015 has filed W.P. No.32961 of 2015, seeking quashment of the order of rejection of his appeal preferred before the Government challenging the locking, sealing and demolition notice dated 24 April 2015, issued by the Chennai Corporation.

5 The aforesaid writ petition has been disposed of today by passing a separate order, setting aside the impugned order therein and remitting the matter back to the Government for consideration afresh, on merits and in accordance with law.

6 Inasmuch as the building involved in the present batch of three writ petitions and the aforestated writ petition, viz., W.P. No.32961 of 2015 is one and the same and the issue is pending consideration, status quo as obtained today in respect of the property in question shall be maintained for a period of two weeks. Further, the orders impugned herein shall remain suspended till orders are passed on the interim application made in the other matter, which has been remitted back to the Government vide separate order, as aforestated.

7 The writ petitions stand disposed of accordingly. Costs made easy. Connected Miscellaneous Petitions stand closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

To

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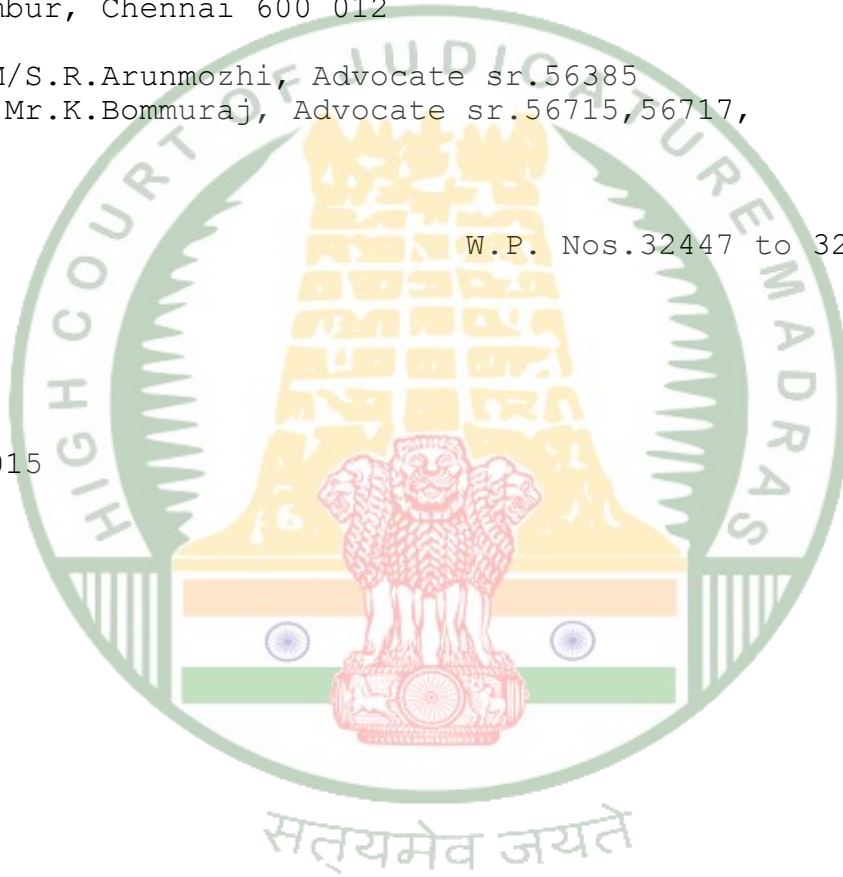
3 The Assistant Executive Engineer
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4 The Assistant Engineer (Dn.71)
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+1 cc to M/S.R.Arunmozhi, Advocate sr.56385
+3 ccs to Mr.K.Bommuraj, Advocate sr.56715,56717,
56718

W.P. Nos.32447 to 32449 of 2015

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