

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2015

CORAM:

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

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

W.P. No.33803 of 2015

Mohamed Nazer

Petitioner

vs.

The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Gandhi Irwin Road
Egmore, Chennai 600 008

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to consider and dispose of the petitioner's representations dated 05.10.2015 and 06.10.2015 pursuant to the impugned stop construction notice of respondent dated 1.10.2015 received on 3.10.2015 and the impugned notice of lock and seal and demolition of the respondent dated 05.10.2015 and direct the respondent to inspect the premises at Door No.150, Greaves Road, Chennai, within a stipulated time frame in accordance with law, by giving due notice and opportunity on the principles of natural justice and afford a personal hearing.

For petitioner Mr. S. Xavier Felix

For respondent Mr. K. Raja Srinivas, Standing
Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. K. Raja Srinivas, learned Standing Counsel, accepts notice for the respondent. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 Invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner has filed this writ petition, seeking a direction to the respondent to consider his representations dated 05 October

2015 and 06 October 2015, submitted in response to the locking, sealing and demolition notice dated 05 October 2015, before taking consequential decision thereon.

3 On a perusal of the documents, it is noticed that stop work notice was served on the petitioner on 01 October 2015 and thereafter, on 05 October 2015, the locking, sealing and demolition notice was served on the petitioner, calling upon him to restore the land to its condition before the construction in question took place, within 30 days from the date of receipt of the said notice. It was also observed in the said notice that in the event of failure on the part of the petitioner, action would be taken under Sections 56(1), 56(2A) and 57(4) of the Tamil Nadu Town and Country Planning Act, 1971, to lock and seal the premises and to demolish the same to restore the land to its original condition. In response, the petitioner has submitted representations on 05 October 2015 and 06 October 2015, stating therein that the alleged construction is not illegal or unauthorised and as such, a direction be issued to the authorities to take consequential action, after considering his representations, as aforestated.

4 The learned Standing Counsel for the respondent fairly submits that since the petitioner has addressed representations to the respondent pursuant to the locking, sealing and demolition notice dated 05 October 2015, the same will be considered on their own merits and in accordance with law and a proper reasoned order will be passed by the respondent before taking consequential action, if need be.

5 In view of the above submission of the learned Standing Counsel, it is ordered accordingly.

The writ petition stands disposed of with the above observation. No costs.

cad

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Gandhi Irwin Road, Egmore, Chennai 600 008

+ 1 cc to Mr.S.Xaiver Felix, Advocate SR 58187

+ 1 cc to Mr.K.Raja Shrinivas, Advocate SR 58244

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