

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2015

CORAM:

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

W.P.No.375 of 2015 and MP.No.1 of 2015

1 T.Boopathy Chettiar
Proprietor Seematy Centre No.3 Memorial
Hall Street Park Town Chennai-3 Petitioner

Vs

1 The Commissioner
Corporation of Chennai Ripon Building
Chennai-3

2 The Executive Engineer
(Enforcement RDC(N) Corporation of Chennai
Ripon Building Chennai-3

3 J.Rathna Singh
S/o.K.S.D.Jayaraj New Door No.S/4 Old Door
No.S-94 17th Street Anna Nagar Chennai-40 Respondents

Petition under Article 226 of the Constitution of India praying for a certiorari calling for the records of the 2nd respondent in issuance of notice in Notice No.05/2014 dated 23.12.2014 and quash the same

For Petitioner Mr.S.Rajagopal
For Respondents Mr.K.Soundararajan for RR.1 and 2.

ORDER

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

With consent of the parties, the main writ petition itself is taken up for hearing.

2. The case of the petitioner before us is that the first and second respondents are not competent to issue the impugned notice under Section 56(2)(iii) and 56 (2A) of Town and Country Planning Act, 1971 dated 23-12-2014. In that view of the matter, the petitioner seeks permission to put-forward his case before the authorities with regard to the competence and jurisdiction of issuance of such notice.

3. Mr. K. Soundararajan, learned counsel appearing for the first and second respondents submits that if a representation is made

questioning the legality of the notice before the authorities, the same shall be considered on its own merit and appropriate steps thereafter will be taken after issuing a fresh notice, if so advised.

4. If the representation is made within a period of one week, the same shall be considered and decided within a further period of two weeks. Till that time, no consequential action pursuant to the impugned notice dated 23-12-2014 shall be taken.

5. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is also closed.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

glp

To

1 The Commissioner
Corporation of Chennai Ripon Building
Chennai-3

2 The Executive Engineer
(Enforcement RDC(N) Corporation of Chennai
Ripon Building Chennai-3

+1cc to Mr.S.R.Rajagopal, Advocate SR.No.1116

W.P.No.375 of 2015

br[co]
gp/13.1.15

सत्यमेव जयते

WEB COPY