

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM:

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

W.P. No.7208 of 2015

Mrs. Baby

...Petitioner

Vs.

1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003

2 The Executive Engineer
Corporation of Chennai
V - Zone, Basin Bridge
Chennai

3 Mr. Hastimal Jain

4 M/s. Nakoda Foundation and Development Pvt. Ltd.
No.54/483, Mint Street
Chennai 600 079

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents and 2 to remove the seal of the petitioner's premises situated at Shop No.2, Pooja Collections, No.54/483, Mint Street, Chennai 600 079 and restore possession.

For petitioner

:

Mr. K.P. Chandrasekaran

For respondents

:

Mr. G. Anantharangan
Standing Counsel

ORDER

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

The instant writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to remove the seal of the petitioner's premises situated at Shop No.2, Pooja Collections, No.54/483, Mint Street, Chennai 600 079 and restore possession.

2 Mr. G. Anantharangan, learned Standing Counsel, takes notice for the respondents 1 and 2. It is not necessary to issue notice to the respondents 3 and 4, as, no decision can be taken without affording an opportunity of hearing to them. Thus, with the consent of the learned counsel for the petitioner and learned Standing Counsel appearing for the respondents 1 and 2, we are passing this order at the admission stage itself, without issuing notice to the respondents 3 and 4.

3 The learned counsel for the petitioner submits that the premises in question has been sealed on 07.03.2015 without issuing notice to the occupier of the premises. The petitioner is entitled to statutory notice under the provisions of Section 56(2) of the Tamil Nadu Town and Country Planning Act, 1971.

4 The learned Standing Counsel appearing for the respondents 1 & 2-Chennai Corporation submits that if a representation is made by the petitioner, the same will be considered in accordance with law, on its own merits and appropriate orders will be passed.

5 In view of the above submission made by the learned Standing Counsel appearing for the respondents 1 and 2, the petitioner is at liberty to file a representation to the respondents 1 and 2 within a period of one week from the date of receipt of a copy of this order and on such representation being filed by the petitioner, the respondents 1 and 2 shall consider the same and pass orders on merits and in accordance with law, within a period of two weeks, thereafter. Needless to state that an opportunity of hearing shall be given to the private respondents before passing orders on the petitioner's representation.

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

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003

2 The Executive Engineer
Corporation of Chennai
V - Zone, Basin Bridge
Chennai

1 CC to Mr. K.P. Chandrasekaran, Advocate SR.No. 14155

1 CC to Mr. G. Anantharangan, Advocate SR.No. 14286

W.P. No.7208 of 2015

KU (CO)
PSI (25.03.2015)

सत्यमेव जयते

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