

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM

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

W.P. No.10767 of 2016
and
W.M.P.No.9418 of 2016

S.Prema

..Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3.

2.The Executive Engineer,
Zone V, Corporation of Chennai,
No.62, Basinbridge Road,
Chennai - 21.

3.Assistant Executive Engineer,
Corporation of Chennai,
Unit - 14,
No.2, Adikesarulu Street,
Chintadripet, Chennai - 2.

4.Assistant Engineer,
Corporation of Chennai,
Zone-5, DIV - 63,
Veerapathra Achari Street,
Pudupet, Chennai - 2.

..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records pertaining to the respondents 2 to 4 locking and sealing and demolition notice in Notice No./Dn-63/06/2016 dated 29.02.2016 and quash the same.

For Petitioner .. Mr.N.D.Shathishraaj

For Respondents.. Mr.V.C.Selvasekaran

ORDER

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

Mr.V.C.Selvasekaran, learned Standing Counsel accepts notice on behalf of the respondents. With the consent of the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents, the writ petition is taken up for final disposal at the admission stage.

2.Impugning the locking and sealing and demolition notice dated 29 February 2016, the petitioner has come up with this writ petition, justifying the construction, without filing response or producing relevant documents as he was required to do.

3.On perusal of the impugned notice, it is seen that before issuance of the impugned notice, the petitioner was served with stop work notice dated 15 February 2016, whereunder the petitioner has full opportunity to place his case before the authorities. Under the said notice dated 15 February 2016, the petitioner was called upon to produce a copy of the approved plan in original for verification. It is further noticed that before the issuance of stop work notice, site inspection was done on 13 February 2016. The petitioner thereafter made a representation on 29 February 2016 viz., the date on which the impugned notice was issued.

4.By the impugned notice, the petitioner was required to establish prior approval of construction in question before the authority, who is competent to decide the issue. The petitioner has also made a representation before the authorities concerned on 29th February, 2016. Therefore, it is open to the authority concerned to decide the representation of the petitioner in accordance with law, on its own merit and take a consequential decision / action.

5.With the aforestated observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3.

2.The Executive Engineer,
Zone V, Corporation of Chennai,
No.62, Basinbridge Road,
Chennai - 21.

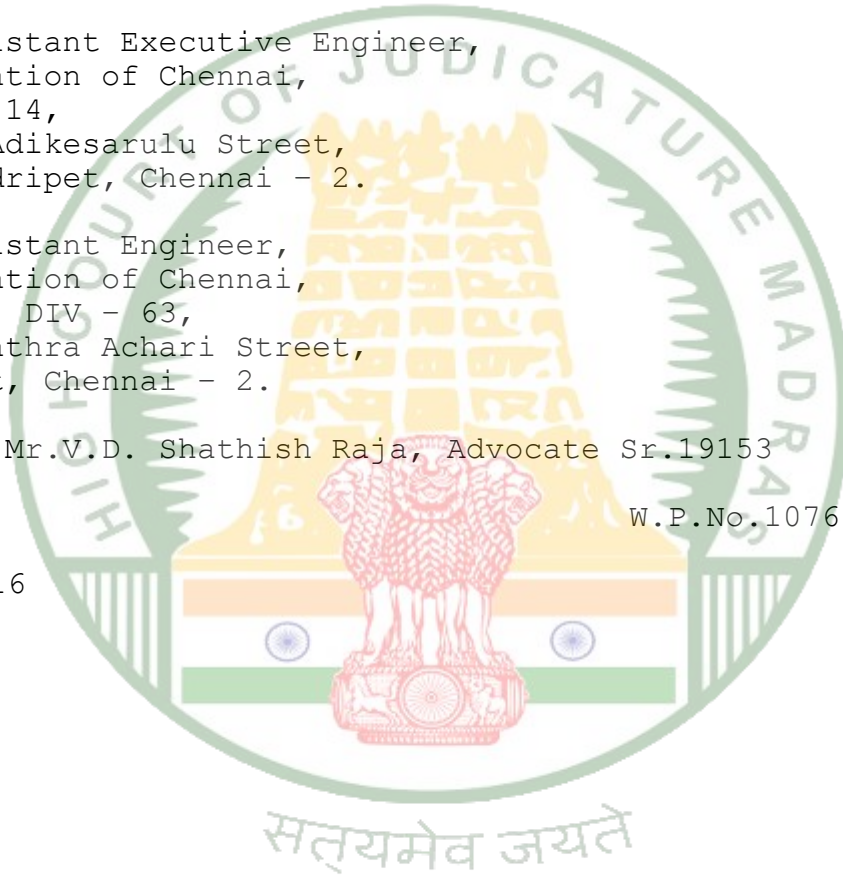
3.The Assistant Executive Engineer,
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+ 1 cc to Mr.V.D. Shathish Raja, Advocate Sr.19153

W.P.No.10767 of 2016

RSY(CO)
EU 07.04.16



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