

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.10890 of 2016

N. Kanniammal

... Petitioner

vs.

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 2 The Junior Engineer
Division 123
Zonal Office IX
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 3 The Assistant Engineer
Division 123
Zonal IX
Corporation of Chennai
Regional Office - Central
II Cross Street, Pulla Avenue
Shenoy Nagar
Chennai 600 030
- 4 The Assistant Executive Engineer
Division Unit - 25
Zonal Office IX
Corporation of Chennai
Regional Office - Central
II Cross Street, Pulla Avenue
Shenoy Nagar
Chennai 600 030

5 The Executive Engineer
Zonal Office X
Corporation of Chennai
Regional Office - Central
II Cross Street, Pulla Avenue
Shenoy Nagar
Chennai 600 030

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from taking any action for demolition on the basis of the de-occupation notice dated 15.12.2014 issued by respondents 3 to 5 to the husband of the petitioner, while he was alive in respect of the petitioner's house at No.44/55/1, Beemanna II Street, Abiramapuram, Chennai 600 028.

For petitioner Mr. M. Gnanasekar

For respondents Mr. V.C. Selvasekaran, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus forbearing the respondents from taking any action for demolition, on the basis of the de-occupation notice dated 15 December 2014 issued by respondents 3 to 5 to the petitioner's husband, while he was alive, in respect of the petitioner's house at No.44/55/1, Beemanna II Street, Abiramapuram, Chennai 600 028.

3 It is stated by the learned counsel for the petitioner that under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, the Chennai Corporation addressed a letter dated 05 April 2014 to the petitioner's husband, requiring to discontinue the occupation of the premises in question, followed by locking, sealing and demolition notice dated 29 October 2014 and thereafter, de-occupation notice dated 15 December 2014 was issued by the Chennai Corporation to the petitioner's husband, viz., T.Natarajan, when he was alive. On account of demise of the petitioner's husband, the petitioner was not aware of the facts and as such, no steps could be taken. Even pursuant to the latest de-occupation notice dated 15 December 2014, no further action has been initiated by the authorities. Thus, one more opportunity be granted to the petitioner to place all the facts

before the authorities, before further action, pursuant to the said notice is taken.

4 Having regard to the facts situation, as aforestated and also having regard to the submission of the learned Standing Counsel for Chennai Corporation that one more opportunity be granted to the petitioner, we are of the considered view that in the facts of the case, the petitioner be granted one more opportunity to place her case, along with all the relevant documents, before the authorities and it is ordered accordingly. Further, the authorities are directed to examine afresh, the case of the petitioner in the light of the submissions made by her and also the documents, if any, produced by her and pass a fresh order within a period of two weeks from the date of the petitioner approaching them.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

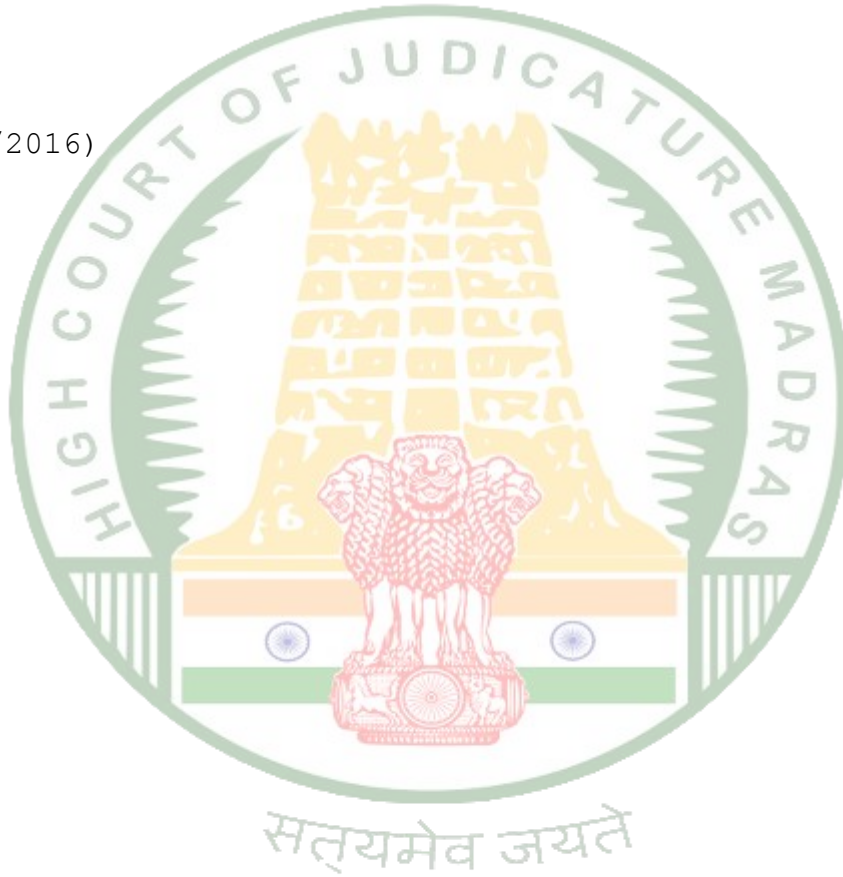
- 1 The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
- 2 The Junior Engineer,
Division 123, Zonal Office IX,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
- 3 The Assistant Engineer,
Division 123, Zonal IX,
Corporation of Chennai,
Regional Office - Central,
II Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.
- 4 The Assistant Executive Engineer,
Division Unit - 25, Zonal Office IX,
Corporation of Chennai,
Regional Office - Central,
II Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.

5 The Executive Engineer,
Zonal Office X,
Corporation of Chennai,
Regional Office - Central,
II Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.

+1cc to Mr.M.Gnanasekar, Advocate sr.18586

W.P. No.10890 of 2016

sai(CO)
srg(31/03/2016)



WEB COPY