

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM

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

W.P. No.11112 of 2016
and
W.M.P.No.9655 of 2016

M.Elangovan

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3.
2. The Executive Engineer,
Corporation of Chennai,
(Enforcement - Region Central),
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai - 30.
3. The Asst. Executive Engineer,
Corporation of Chennai,
Zonal Office VI, Ayanavaram,
Chennai - 23.

... 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 in Notice No.REGIONCENTRAL/TPENF/1595/2015 dated 04.03.2016 for the premises bearing Door No.13/6, Vadivelu Mudali Street, Perambur, Chennai - 11 on the file of the second respondent and quash the same.

For Petitioner : Mr.G.Prem Anand Rao

ORDER

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

Heard Mr.G.Prem Anand Rao, learned counsel appearing for the petitioner. Notice to the respondents is dispensed with at this stage, as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel appearing for the petitioner, the writ petition is taken up for final disposal at the admission stage.

2.The petitioner was issued with stop work notice/notice calling for approved plan on 03 January 2014, to which, he made a reply on 30 January 2014 stating that he was not carrying on any construction work in the residential address. Not being satisfied with the reply, the petitioner was served with locking and sealing and demolition notice dated 17 June 2014, which remained unreplyed. Since there was no response/reply from the petitioner, the authorities, after having examined the entire facts, issued the instant notice dated 04 March 2016. At this stage, the petitioner comes up with this writ petition, seeking a writ of certiorari.

3.We have examined all the facts. The petitioner was given ample opportunity of hearing to put forward his case, which he failed to avail and even otherwise, a writ of certiorari is not available to the petitioner, as the order is passed in exercise of administrative power.

4.It is well settled that judicial review is available only in the event there is violation of principles of natural justice or the procedure as laid down under the statute are not complied with. The decision itself is not subject to judicial review, unless the same is perverse, unreasonable, unconstitutional and illegal. The petitioner has neither pleaded nor established any mala fides or perversity in the decision. In the case on hand, the authorities have followed the statutory procedure and afforded full opportunity of hearing to the petitioner. Thus, at this stage, we are not inclined to interfere with the order impugned in the instant writ petition.

5.In view of the foregoing, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi

To

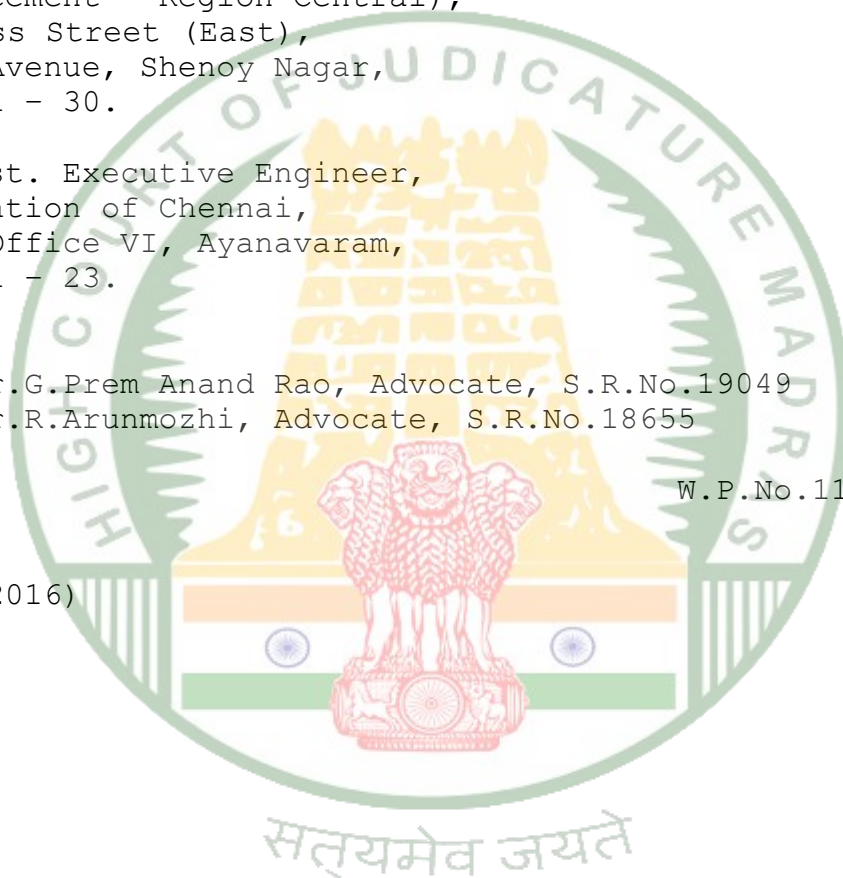
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+1cc to Mr.G.Prem Anand Rao, Advocate, S.R.No.19049

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.18655

W.P.No.11112 of 2016

VSN(CO)
CA(12/04/2016)



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