

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11361 of 2015
and
M.P.Nos.1 and 2 of 2015

Sri Sathya Sai Mandali Private Trust
Rep by its Managing Trustee
S. Ravindrakumar ... Petitioner

Versus

- 1 The Commissioner
Corporation of Chennai Ripon Buildings
Chennai - 600 003.
- 2 The Regional Joint Commissioner(South)
Zonal Office - III Adyar
Corporation of Chennai Chennai ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorari, to call for the records pertaining to the notice in Z.O.XIII/Div-170/C.No.8036/2014 dated 01/09/2014 on the file of the 2nd respondent and the consequential notice dated 26/03/2015 on the file of the 1st respondent and quash the same as illegal incompetent and ultravires and may pass such other or further orders.

For Petitioner : Mr.K.Suthan

For Respondents : Mr.P.V.Selvakumar

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. The petitioner claims that the petitioner Trust has put up a Saibaba Temple and six shops and the building is in a very good condition and without putting the petitioner on notice, respondents took steps to demolish the construction and challenging the vires of the notices dated 01.09.2014 and 24.03.2015 came forward to file this writ petition.

3. Mr.K.Suthan, learned counsel appearing for the petitioner has drawn the attention of this Court to the affidavit filed in support of this writ petition and would submit that neither the notice dated 01.09.2014 issued by the 2nd respondent, under Section 258 of the Madras City Municipal Corporation Act IV of 1919, nor the notice dated 24.03.2015, issued by the 1st respondent, under Section 378 of the very same Act, has been received by the petitioner and since the action of the respondents, violate the relevant statute, prays for appropriate orders. The learned counsel for the petitioner would further submit that since the petitioner has not been put on notice, the impugned orders are liable to be set aside.

4. Per contra, Mr.P.V.Selvakumar, learned Standing counsel, who accepts notice for the respondents, would submit that it is open to the petitioner to submit his response to the notice dated 01.09.2014 within a stipulated time frame and on that basis the 2nd respondent will take a decision.

5. In the result, the writ petition is disposed of and the petitioner shall submit his response to the notice dated 01.09.2014 issued by the 2nd respondent, under Section 258 of the Madras City Municipal Corporation Act IV of 1919, within a period of two weeks from the date of receipt of a copy of this order to the 2nd respondent and on receipt of the same, the 2nd respondent is directed to consider and dispose of the petitioner's response on merits and in accordance with law as expeditiously as possible and not later than four weeks, thereafter and inform the decision taken to the petitioner and till such time, both parties are directed to maintain status quo as it exists today. It is made clear that in the interregnum if the building in question falls on its own, the petitioner shall not claim equity. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

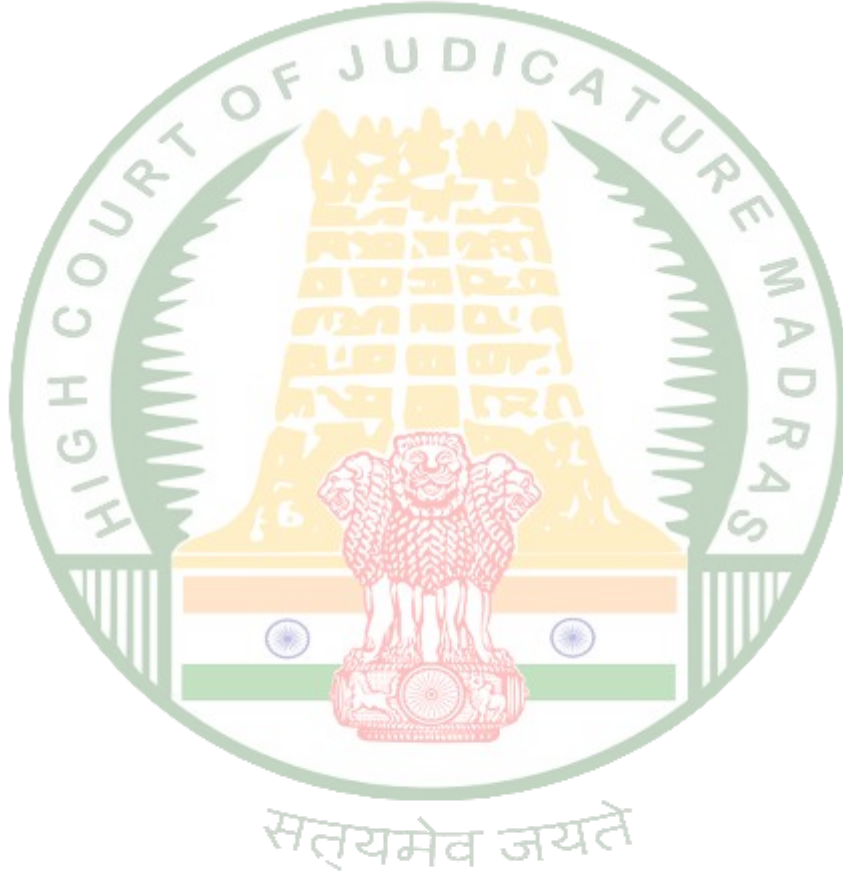
1 The Commissioner
Corporation of Chennai Ripon Buildings
Chennai - 600 003.

2 The Regional Joint Commissioner(South)
Zonal Office - III Adyar
Corporation of Chennai Chennai

2 ccs to Mr.K. Suthan, Advocate, Sr. 21330

W.P.No.11361 of 2015

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