

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P. No.14660 of 2016 and W.M.P. Nos.12831 and 12832 of 2016

1 A.L.S. Vadivel
2 N. Annamalai
3 N. Priya
4 V. Illamurugu Porselvi Petitioners

vs.

1 Corporation of Chennai
represented by the Commissioner
Ripon Building
Chennai

2 The Executive Engineer
Building and Construction, Zone VII
Corporation of Chennai
Pulla Avenue, Shenoy Nagar
Chennai 600 030

3 S. Sarala
represented by her Power of Attorney Agent
C.D.E. Rani
Door No.912, Sangam Apartments
Secretariat Colony
160 Baracah Road
Kilpauk, Chennai 600 010 Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records on the file of the first respondent in notice dated 26.02.2016 and quash the same as illegal, arbitrary and null and void and consequently, direct the respondents 1 and 2 to remove the sealing in the petition premises at Plot No.18 situated in Murugappa Reddy Street, Chennai 600 053 comprised in Survey No.620, Ambattur Village, Ambattur Taluk, Thiruvallur District.

For petitioner Mr. P.B. Balaji
for Mr. K.S. Vamsidhar

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

This writ petition is filed challenging the notice dated 26 February 2016 issued by the first respondent under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, (for brevity "the Act") whereby and whereunder, the premises in question is locked and sealed and further, it is informed that neither the owner nor developer/occupier shall have right to use the premises in question in any manner whatsoever.

2 In the earlier round of writ petition being W.P. No.30004 of 2015 preferred by the third respondent, viz., Sarala, it was pointed out that the respondents 3 to 6 therein/petitioners herein, have put up unauthorised construction in the property measuring an extent of 3,000 sq. ft. at plot no.18 and adjoining lands in Murugappa Reddy Street, Chennai 600 053 in S.No.620, Ambattur Village, Ambattur Taluk, Thiruvallur District.

3 A Division Bench of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member, examining the allegation, disposed of the said writ petition in the following terms:

"5 We are afraid that we cannot issue such a direction at the instance of the petitioner in this writ petition without affording an opportunity of hearing to the private respondents. However, we direct the Chennai Corporation to cause a proper inspection of the site in question and on inspection, if it is found that there is violation of the approved plan, the Chennai Corporation is under an obligation to take necessary action on merits and in accordance with law, of course, after affording an opportunity of hearing to the alleged violators."

4 Thereafter, the petitioners, vide communication dated 19 October 2015 issued by the second respondent, were called upon to appear for personal enquiry on 26 October 2015 at 11.00 a.m. and produce all the relevant records/photos/sketch, for examining the allegation. A reply was made by the petitioners on 29 October 2015, reiterating that the planning permission was approved, however, without making available, a copy of the same. The authorities examined the facts from all angles and eventually, issued the notice dated 26 February 2016 under Sections 56 and 57 read with Section 85 of the Act, which is sought to be impugned in this writ petition.

5 At this stage, when full opportunity of hearing has been afforded to the petitioners, we do not find any infirmity in the impugned notice.

As a sequel, this writ petition fails and is accordingly dismissed. Costs made easy. Connected Miscellaneous Petitions are closed.

cad

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai

2 The Executive Engineer
Building and Construction, Zone VII
Corporation of Chennai
Pulla Avenue, Shenoy Nagar
Chennai 600 030

+ 1 cc to M/s.K.S.Vamsidhar, Advocate, SR 25477

+ 1 cc to Mr.R.Arunmozhi, Advocate, SR 25095

(co)
prk

W.P. No.14660 of 2016

सत्यमेव जयते

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