

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.17287 of 2016

and

W.M.P.No.14771 of 2016

T.Manivannan

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Park Town,
Chennai - 600 003.

2.The Executive Engineer,
(Enforcement Regional Central)
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

3.The Assistant Engineer, D.N/70,
Bharathi Road, Perambur,
Chennai - 600 011.

4.The Assistant Executive Engineer,
Corporation of Chennai,
Zonal Office - VI,
Park Town, Chennai - 600 003.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Cetiari, to call for the impugned records pertaining to the notice to TPENF/1565/2016 dated 26.04.2016 on the file of the respondents 2 to 4 herein and quash the same as illegal.

For Petitioner : Mr.C.Shankar

For Respondents: Mr.V.C.Selvasekaran
Standing Counsel for R1

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH,J.)

This writ petition is filed for issuance of writ of Cetiorari, to call for the impugned records pertaining to the notice to TPENF/1565/2016 dated 26.04.2016 on the file of the respondents 2 to 4 herein and quash the same as illegal.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel for the first respondent.

3.It appears that in connection with the alleged violation of building plan by the petitioner, the 2nd respondent has issued the Locking & Sealing and Demolition Notice dated 04.03.2016 to the petitioner's building under Section 56, Sub-Section (2A) and 50 Clause (a) and (b) (i) and (ii) of the Tamil Nadu Town and Country Planning Act, 1971 as amended by Act 61 of 2008. Pursuant to the notice issued, the petitioner submitted a reply to the second respondent on 11.03.2016. But the second respondent without considering the reply submitted by the petitioner on 11.03.2016, passed the impugned order on 26.04.2016 to discontinue the occupation of the premises by the petitioner within seven days from the date of notice. Aggrieved by the same, the present Writ Petition is filed before this court.

4.We have gone through the averments made in the writ petition and the submissions made on either side.

5.Considering the facts and circumstances of the case, this Court is inclined to set aside the impugned order passed by the second respondent on 26.04.2016. Accordingly, the impugned order passed by the second respondent is set aside and the second respondent is directed to consider the reply submitted by the petitioner dated 11.03.2016 and if need be, after giving an opportunity of hearing to the petitioner, take a decision in accordance with law.

6.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

cse

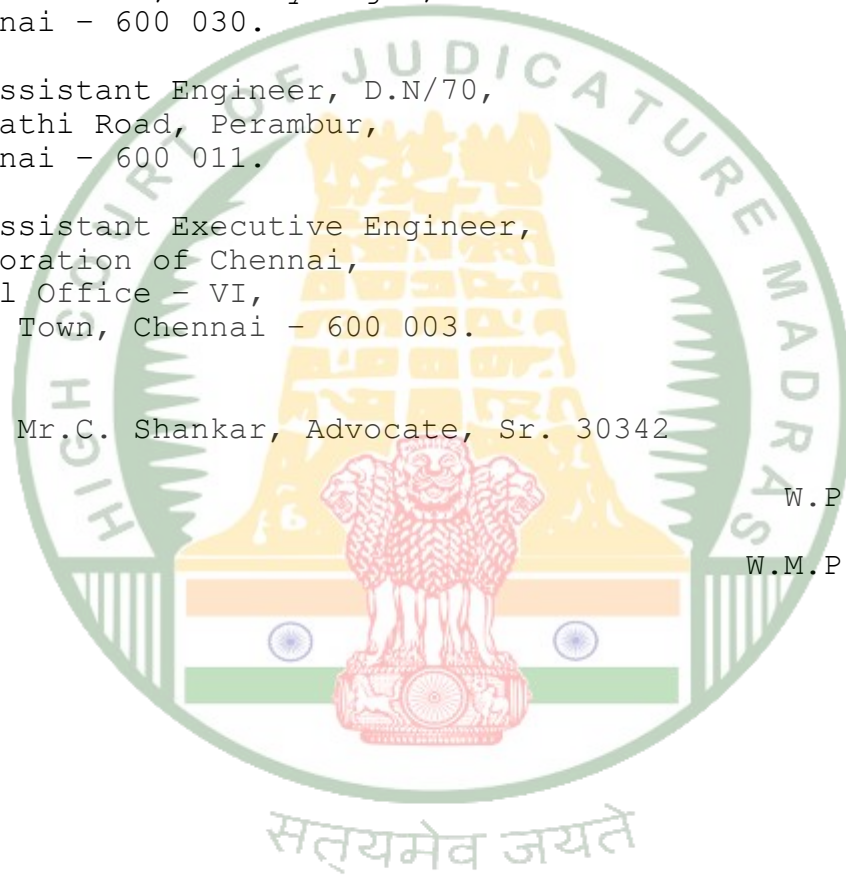
To

- 1.The Commissioner,
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1 cc to Mr.C. Shankar, Advocate, Sr. 30342

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