

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.8964 of 2011

Suseelammal ... Petitioner

Vs

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

2.The Executive Engineer,
Zone-VII, Zonal Office,
Corporation of Chennai,
Chennai.

... Respondents

Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Letter No.18/Dn/105/2011 dated 02.03.2011 in respect of premises bearing D.No.13/3 Whannels Road, Egmore, Chennai- 600 008 and quash the same and forbear the respondents or his men claiming through them or authorised by the from, in any manner, locking and sealing the aforesaid premises or demolishing the said premises pursuant to the impugned notice under Letter No.18/Dn/105/2011 dated 02.03.2011.

For Petitioner	: Mr.Pratheevi for Ms.AL.Gandhimathi
For Respondents	: Mr.R.Arunmozhi for R.1 and 2.

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Learned counsel for the petitioner states that he has returned the bundle. No fresh vakalat has been filed.

2. We have gone through the petition and the documents and noticed that interim orders of status quo have been passed on 09.04.2011. In terms of the averments in the petition, the controversy is in a limited domain, as according to the petitioner, the allegation against him is of constructing a temporary shed in the ground floor area, for which he has sought regularisation and remitted the charges. It is the case of the petitioner that he submitted an application on 11.11.2010 under the cover of the letter dated 04.11.2010 for regularisation, but without examining the same, the impugned notice dated 02.03.2011 has been issued seeking restoration of the land to the original position.

3. We are thus of the view that the writ petition is liable to be disposed of with the following directions:

(i) The application submitted by the petitioner, as noticed above, on 11.11.2010 under the cover of the letter dated 04.11.2010, be decided within two months from today.

(ii) Depending on the fate of the decision of the application, the respondents would be entitled to proceed under the impugned notice, if so required.

4. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

WEB COPY
Sub Assistant Registrar

To

1. The Commissioner
Corp.of Chennai
Rippon Building
park Town, Chennai 3

2 The Executive Engineer
Zone VII - Zonal Office
Corpn., of Chennai Chennai

+1cc to Mr.R. Arun Mozhi, Advocate, S.R.No.61831
+1cc to Mr.AL.Ganthimathi, Advocate, S.R.No.61982

UG (CO)
md (11/11/2016)

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