

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.7.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.22055 of 2016

K.Madhanchand

.. Petitioner

Vs.

1. The Regional Deputy Commissioner (North)
Corporation of Chennai
Chennai.
2. The Executive Engineer
Corporation of Chennai (Zone V)
Chennai.
3. The Assistant Executive Engineer
Unit 13
Corporation of Chennai (Zone V)
Chennai.

... Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of Certiorarified Mandamus calling for the
records on the file of the second respondent in his proceedings
in Lr.No./Dn 55/LSDD/44/2016 dated 27.5.2016 and quash the same
and direct the respondents to consider the representation of the
petitioner dated 16.6.2016 in accordance with law before
proceeding under the Town and Country Planning Act, 1971.

For Petitioner : Mr.S.Selvathirumurugan
For Respondents : Mr.A.Nagarajan

O R D E R

(Made by Huluvadi G.Ramesh,J)

The writ petition has been filed challenging the locking and sealing and demolition notice dated 27.5.2016.

2. The father of the petitioner constructed a house in the year 1962 at No.3(3), Portuguese Church 1st Lane, George Town, Chennai, after obtaining planning permission from the Corporation. He died in the year 1975. The mother of the petitioner died in the year 2005. Thereafter, the petitioner is in possession of the property. The second respondent issued a notice dated 28.01.2016, under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, to the mother of the petitioner asking her to submit the approved plan of the house for verification. The petitioner made a representation to the second respondent on 08.3.2016, stating that the construction of his house was made in the year 1962 as per the planning permit and without any deviation and that his mother died in the year 2005. He had also enclosed with the representation a copy of the approved plan and copies of property tax receipts.

3. On 27.5.2016, the second respondent issued locking and sealing and demolition notice and de-occupation notice under Sections 56 and 57 read with Section 85 of the Town and Country Planning Act requiring the comply with the sanctioned plan within 30 days, failing which the building will be locked and seal and the deviation will be demolished without further notice. The petitioner, on 16.6.2016, sent a detailed reply to the respondents and has come up with the above writ petition apprehending that the building would be demolished.

4. According to the learned counsel for the petitioner, no notice was issued to him before conducting inspection and that the second respondent had issued the impugned notice dated 27.5.2016, without considering his detailed representation dated 08.3.2016.

5. Considering the facts and circumstances of the case, we dispose of this writ petition, directing the second respondent to consider the representation of the petitioner dated 08.3.2016 and to pass orders in accordance with law, after affording an opportunity of personal hearing to the petitioner, within two months from the date of receipt of a copy of this order. Till

then, the respondents shall maintain status quo as on date.
Consequently, WMP No.18848 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kpl

To

1. The Regional Deputy Commissioner (North)
Corporation of Chennai
Chennai.
2. The Executive Engineer
Corporation of Chennai (Zone V)
Chennai.
3. The Assistant Executive Engineer
Unit 13
Corporation of Chennai (Zone V)
Chennai.

+1 cc to S.Selvathirumurugan Advocate sr.37846/16

+1 cc to A.Nagarajan Advocate sr.38039/16

W.P.No.22055 of 2016.

aa23/07/2016

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