

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

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

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.35395 of 2012

B.Rajeswari

.. Petitioner

Vs

1.The Executive Engineer II,
Chennai Corporation Zone - II,
Manali, Chennai 600 068.

2.The Assistant Executive Engineer - Unit -5,
Chennai Corporation Zone II,
Manali, Chennai 600 068.

3.The Junior Engineer,
DN 19, Chennai Corporation Zone-II,
Manali, Chennai 600 068.

.. Respondents

Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandmaus, to call for the records pertaining to the proceedings of the respondent's notice No.Dn/19/10/2012 dated 28.11.2012 and to quash the same and consequently to direct the respondents to consider the petitioner's representation.

For Petitioner

: Mr.M.Madhuprakash

For Respondents

: Mr.Arunmozhi

for R.1 to R.3

ORDER

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

In pursuance to the notice dated 05.10.2012 to produce the plans, undoubtedly no plans are produced by the petitioner. It is the case of the petitioner that they do not have the plans, as the building is quite old of 50 years and they were only repairing the building and not carrying out fresh construction. On failure to produce the plans, locking, sealing and demolition notice dated 28.11.2012 was issued.

2. Learned counsel for the petitioner, referring to the said notice submits that contrary to what is alleged, there is no second floor in the building. He further submits that no additional construction has been made.

3. In view of the passage of time, we are of the view that fresh inspection be carried out on the building and in view of the stand of the petitioner, there cannot be any second floor, nor any additional construction and if the same exists, Corporation is free to demolish forthwith. In respect of any other aspect, an order be passed.

4. The aforesaid exercise be completed by inspection within one month and the proceedings be concluded within two months thereafter.

5. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, MP.No.1 of 2012 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Executive Engineer II, Chennai Corporation Zone - II,
Manali, Chennai 600 068.

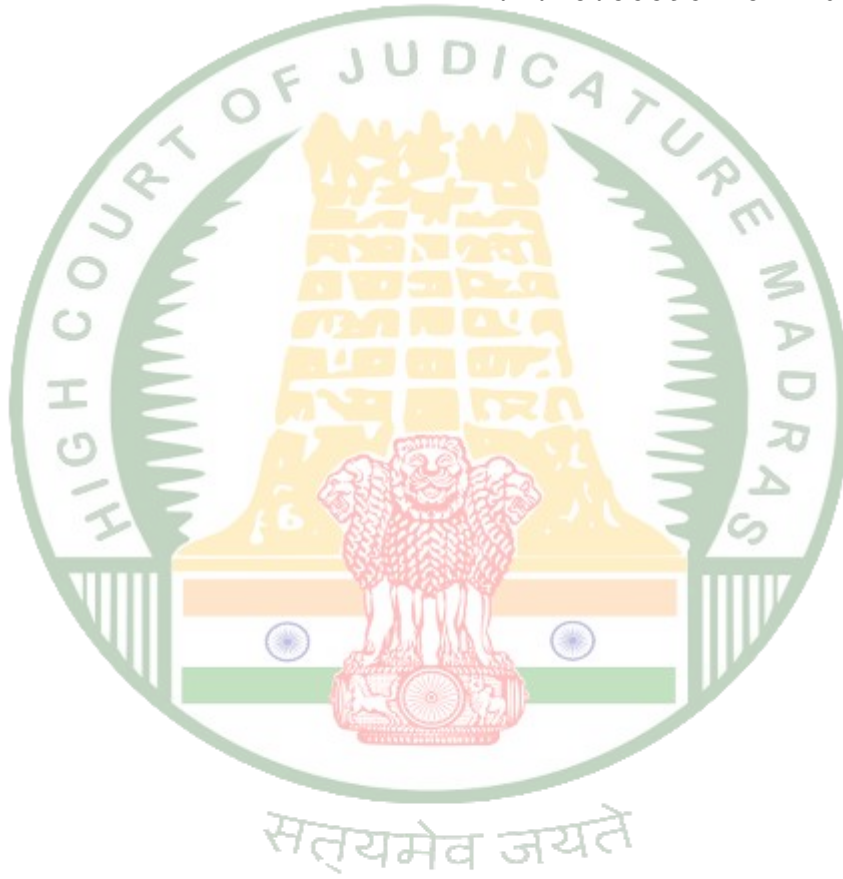
2.The Assistant Executive Engineer - Unit -5,
Chennai Corporation Zone II, Manali, Chennai 600 068.

3.The Junior Engineer, DN 19, Chennai Corporation Zone-II,
Manali, Chennai 600 068.

+lcc to Mr.R. Arunmozhi, Advocate, S.R.No.62548

ppa (CO)
md (14/11/2016)

W.P.No.35395 of 2012



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