

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.3421 of 2016
and
W.M.P. No.2795 of 2016

D.P. Chandramathy

... Petitioner

Vs.

Avadi Municipality
represented by its Commissioner
Office of the Municipality
Avadi, Avadi-Poonamallee Taluk
Tiruvallur District

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, to call for the records of the respondent made in Na.Ka.No.10538/2015/F1 dated 03.11.2015 and to quash the same and direct the respondent to permit the petitioner to resubmit the regularisation plan in future.

For petitioner : Mr. R. Balasubramanian
for M/s. Delight Law Associates

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This writ petition is filed questioning the legality and validity of the notice dated 03 November 2015 issued by the respondent Municipality. By the impugned notice, the petitioner has been directed to demolish and remove the unauthorised building within a period of three days. It has been further observed therein that in the event of the petitioner's failure, the Municipality workers would do the same at the petitioner's cost.

2.On 12 August 2015, the petitioner's application dated 04 August 2015 seeking approval of the building was returned by the respondent Municipality, pointing out certain defects. Subsequent thereto, the petitioner filed neither any response nor any fresh application for approval along with the required documents. Thus, the impugned notice came to be issued on 03 November 2015, as aforestated.

3.When the petitioner was given sufficient time to re-submit the application along with necessary documents, she had miserably failed to submit plan for approval. Indisputably, the building in question is unauthorised, which requires demolition. Consequently, we are not inclined to interfere with the impugned notice.

Resultantly, the writ petition stands dismissed sans costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

The Commissioner
Avadi Municipality
Office of the Municipality
Avadi, Avadi-Poonamallee Taluk
Tiruvallur District.

+1cc to M/s. Delight Law Associates, Advocate, S.R.No.6190
+1cc to the Government Pleader, S.R.No.6518

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PPA (CO)
CA(09/02/2016)