

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2016

CORAM

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

W.P. No.4058 of 2016
and
W.M.P.No.3395 of 2016

B.Bangaru Ammal .. Petitioner

Vs.

The Commissioner,
Avadi Municipality,
Avadi, Chennai - 52. ... Respondent

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the notice in Na.Ka.No.25/2015/F2 dated 07.12.2015 and the consequential order dated 07.12.2015 in unapproved building No.25/2015/F2 both on the file of the respondent and to quash the same and direct the respondent to consider the building plan submitted by the petitioner to the respondent and acknowledged by him under Receipt No.2590 dated 06.01.2016 pertaining to the land bearing Survey No.655/1A in Thirumullaivoyal Village, Ambattur Taluk and Tiruvallur District within a time frame.

For Petitioner .. Ms.Elizabeth Ravi
for Mr.S.Subbiah

For Respondent .. Mr.N.K.Ponraj
for Mr.P.Srinivas

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.Assailing the notice dated 07 December 2015 issued under Sections 216 (1&2), 316 and 317 of the Tamil Nadu District Municipalities (Amended) Act and the consequential order of even date, whereunder, the petitioner was directed to remove the unauthorised construction allegedly put up by her and further, for a direction to the respondent to consider the building plan submitted by the petitioner, the instant writ petition is filed.

3.It is not evident from the notice dated 07 December 2015 as to whether any opportunity of hearing was given to the petitioner before she was called upon to remove the unauthorised construction within a period of seven days. On a reading of the impugned notice, it appears that the said notice itself is a show cause notice.

4.In that view of the matter, we grant two weeks' time to the petitioner to put forward her case before the authorities. In such an event, the authorities shall examine the same and advert to all the objections raised by the petitioner and take consequential decision within a period of two weeks thereafter. If it is found that there is an unauthorised construction made by the petitioner, the authorities are directed to take necessary steps for removal of the same.

5.On perusal of the counter affidavit filed by the respondent Municipality, it is noticed that the petitioner is carrying on the construction without obtaining permission. If it is so, the authorities are directed to have a spot inspection within a period of three days and ensure that no further construction is carried on without permission and the petitioner is directed to stop the construction forthwith.

6.With the aforestated observation and directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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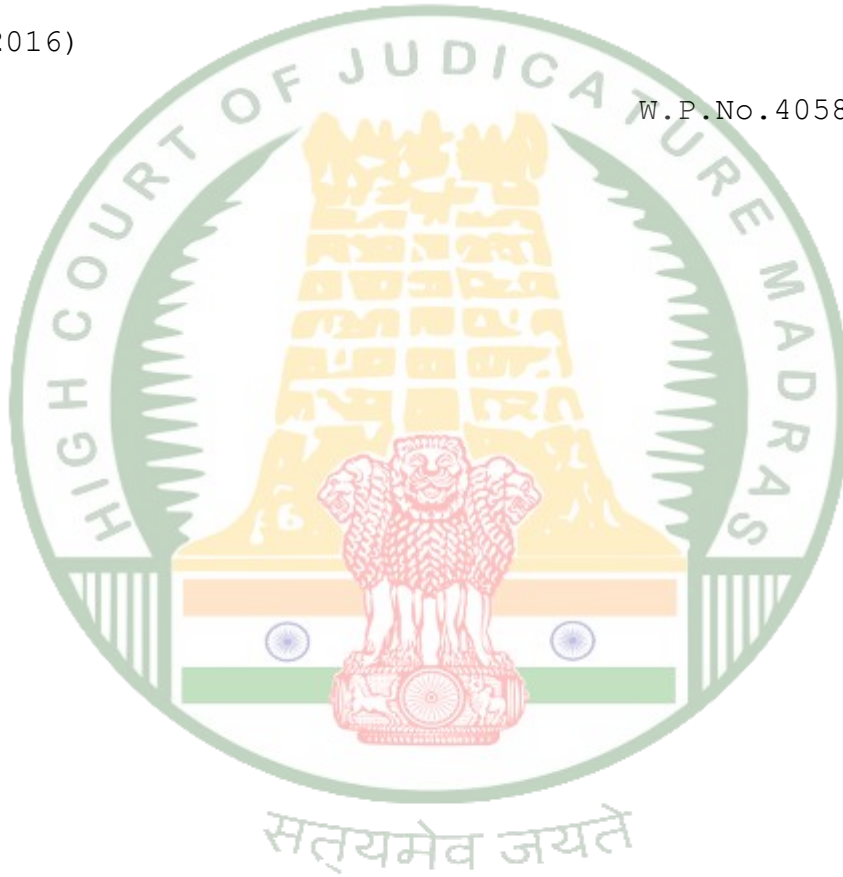
To

The Commissioner,
Avadi Municipality,
Avadi, Chennai - 52.

+1cc to Mr.S. Subbiah, Advocate, S.R.No.10677
+1cc to Mr.P. Srinivas, Advocate, S.R.No.10633

KSJ(CO)
EU(25/02/2016)

W.P.No.4058 of 2016



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