

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.913 of 2016 and W.M.P. Nos.698 and 699 of 2016

K. Sasi Kala

Petitioner

Vs.

The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 05.01.2016 in Letter No.ED/N-1/1444/2011 issued by the respondent and quash the same and consequently, direct the respondent to consider the petitioner's representation dated 07.01.2016.

For petitioner Mr. M. Dhandapani

For respondent Mr. N. Sampath
Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sampath, learned Standing Counsel, accepts notice for the respondent. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner's case is that she purchased the flat measuring 1,650 sq. ft. in Flat No.302, Old No.2/6, New No.19, Astabhuja Road, Choolai, Purasaiwalkam Village, Chennai 600 112 from the builder, viz., Sri Ramdev Constructions Private Ltd. It is understood that the builder was given notices earlier under several provisions of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). However, for the first time, the petitioner was given a de-occupation notice dated 05 January 2016 under Section 56(2)(iii) and (2A) of the Act, which is sought to be impugned in this writ petition. The petitioner had no opportunity to place her case before the

authorities, albeit she is in possession of proper approval. Pursuant thereto, she addressed a representation on 07 January 2016 to the respondent, enclosing a copy of the approved plan. Thus, a direction be issued to the respondent to consider her aforestated representation before taking consequential decision/action.

3 Mr. N. Sampath, learned Standing Counsel, fairly submits that notices were earlier issued to the builder and other parties. If the petitioner is served with the impugned de-occupation notice for the first time, the authorities will examine her representation and only after considering her representation, appropriate order thereon will be passed and consequential action, if need be, will be taken.

4 In view of the above submission of the learned Standing Counsel for the respondent, it is ordered accordingly.

The writ petition stands disposed of with the above observation. Costs made easy. Connected W.M.P.s are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+2cc to Mr.G.MuthuKumar, Advocate, S.R.No.1703
+2cc to M/S.N.Sampath, Advocate, S.R.No.2583,2157

W.P. No.913 of 2016

sai(CO)
srg(27/01/2016)

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