

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.04.2017
CORAM
THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.9081 of 2017
and
WMP.Nos.10023 & 10024/2017

K.P.Mohammed

.. Petitioner

Vs.

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Park Town, Chennai - 600 003.
- 2 The Executive Engineer
Enforcement Zone 10
117, NSK Salai
Kodambakkam, Chennai - 600 024.
- 3 Govindarajan
- 4 V.B.R.Menon .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records pertaining to the impugned proceedings vide notice dated 4.2.2017 vide notice No.Zone-10/TP Enforcement 00123/2017 issued by the 2nd respondent and the consequential lock and sealing and demolition notice dated 20.3.2017 vide notice No.Zone-10/TP Enforcement 00124/2017 issued by the 2nd respondent and to quash the same as the same is ultra virus and in violation of procedure laid down and the law in this regard.

For Petitioner : Mr.V.Manohar

For Respondents : Mr.A.Nagarajan
for respondents 1 and 2

Mr.V.B.R.Menon
for 4th respondent

ORDER

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

This writ petition has been filed challenging a notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, as amended by Act 51 of 2008, whereby the owner of No.11E, P.T.Rajan Salai, K.K.Nagar, Chennai - 600 078, has been intimated that the construction at the said premises was found to be unauthorized during inspection and approved plan had neither been exhibited at the site nor produced when called for.

2. The owner was requested to produce a copy of the approved plan in original and photocopy for verification. The owner was also directed to stop work, remove the unauthorized portion and remove the deviated construction immediately.

3. It appears that the owner - Mr.Alli Govindarajan (impleaded third respondent), has also filed a writ petition. The writ petition now filed at the instance of the so-called tenant is clearly not maintainable. In any case, there is nothing on record to show that the construction was as per sanction. This Court cannot allow illegal and unauthorized constructions to remain. The writ petition is not entertained.

The writ petition is dismissed. No costs. Consequently, W.M.P.Nos.10023 and 10024 of 2017 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Park Town, Chennai - 600 003.

WEB COPY

2 The Executive Engineer
Enforcement Zone 10
117, NSK Salai
Kodambakkam, Chennai - 600 024.

+lcc to Mr.V. Manohar, Advocate, S.R.No.23042

svi (CO)
md(2/05/2017)

W.P.No.9081 of 2017



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