

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4270 of 2017

M.Vijayarani

.. Petitioner

Vs.

1. The Government of Tamilnadu
rep. by its Secretary
Housing and Urban Development
Fort St. George, Madras-9.

2. The Member Secretary
Chennai Metropolitan
Development Authority
3, Gandhi Erwin Road
Egmore, Madras-8.

3. The Commissioner
Corporation of Chennai
Ripon Building
Chennai-3.

4. The Executive Engineer
(Enforcement Region Central)
2nd Cross Street (East)
Pulla Avenue Shenoy Nagar
Chennai - 600 030.

5. The Assistant Executive Engineer
Unit 26, 2nd Cross Street (East)
Pulla Avenue Shenoy Nagar
Chennai - 600 030.

6. The Junior Engineer
Division 117
2nd Cross Street (East)
Pulla Avenue Shenoy Nagar
Chennai - 600 030.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in letter No.5655/UD-VI/2016-6, dated 28.10.2016 and quash the same as illegal and incompetent and further direct the respondents to regularize the building consisting of basement ground plus two floors situated at New No.2, Meena Arcade, South Dhandapani Street, T.Nagar, Chennai-17.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent

Mr.S.Rajasrinivas
for 2nd respondent

Mr.A.Nagarajan
for respondents 3 to 6

ORDER

(Order of the Court was made by the Acting Chief Justice)

The present petition is filed for issuance of a writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in letter No.5655/UD-VI/2016-6, dated 28.10.2016 and quash the same as illegal and incompetent and further direct the respondents to regularize the building consisting of basement ground plus two floors situated at New No.2, Meena Arcade, South Dhandapani Street, T.Nagar, Chennai-17.

2. The petitioner claims to have purchased the property under a registered sale deed dated 16.6.2008 and had been in possession and enjoyment of the same. While things stood thus, respondents 4 to 6 issued a notice on 9.3.2016 to produce the approved plan. It is the plea of the petitioner that the said notice was not served on her. Thereafter, a lock and seal and demolition notice was issued on 16.3.2016. Assailing the same, the petitioner preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent along with a petition for stay. The first respondent, by order dated 28.10.2016, which is impugned in this writ petition, granted six months time to the petitioner to carry out the rectifications and bring the building in conformity with the Development Regulation norms.

3. It is the case of the petitioner that the action initiated by the respondent/authorities was based on a complaint by one Murali, with whom the petitioner had financial disputes and to wreak personal vengeance it is alleged that such complaint has been made against the petitioner. It is further pleaded that the said Murali and his counsel were given an opportunity of hearing by the first respondent, in the appeal preferred by the petitioner. It is further alleged that the copies of the complaints preferred by the said Murali were not given to him and she was not given an opportunity to rebut the allegations levelled against her.

4. Considering the facts and circumstances, we direct the first respondent to furnish to the petitioner the copies of complaints filed against her and afford her an opportunity to submit a further explanation and thereafter conclude the proceedings in accordance with law within eight weeks from the date of receipt of a copy of this order. Till such time an order is passed by the first respondent, an order of status quo shall be maintained.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.4436 of 2017 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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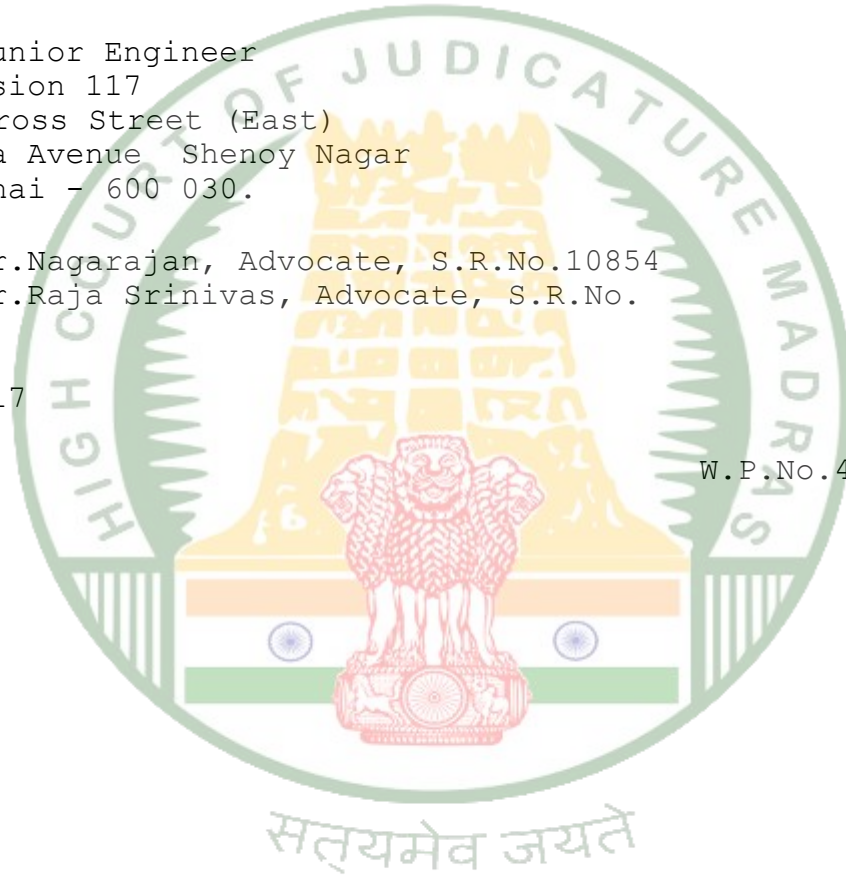
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+1cc to Mr.Nagarajan, Advocate, S.R.No.10854
+1cc to Mr.Raja Srinivas, Advocate, S.R.No.

MG(CO)
EU 02.03.17

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