

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.02.2017
CORAM
THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4353 and 4354 of 2017

A.Khader Basha @ Khader Bhai .. Petitioner
in WP:4353/2017

Jafarullah .. Petitioner
in WP:4354/2017

Vs.
The Commissioner
Poonamallee Municipality
Chennai - 56. .. Respondent
in both writ
petitions

PRAYER: Petitions under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records of the respondent dated 14.2.2017 in Rc.No.1431/2016/F1 and quash the same.

For Petitioners : Mr.N.A.Nissar Ahmed

For Respondent : Mr.R.Vijayakumar
Addl. Government Pleader

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

Mr.R.Vijayakumar, learned Additional Government Pleader took notice on behalf of the respondent.

2. Heard the learned counsel for the parties.

3. Calling into question the proceedings issued by the respondent dated 14.2.2017 directing the petitioners to remove the encroachments within seven days, the present writ petitions are filed on the plea that the petitioners are the owners of the premises and construction has been made after obtaining planning permission from the competent authority. It is claimed that the petitioners are paying property tax and have obtained electricity service connection. It is their further plea that the area is a fully developed and not a water body as claimed by the

respondent and moreover, the respondent is not a competent authority to initiate the proceedings. It is further pleaded that pursuant to the show cause notice dated 20.1.2017, the petitioners submitted explanations on 2.2.2017 and 6.2.2017 respectively and the same may be directed to be considered before encroachments as alleged are removed, which according to the petitioners is scheduled on 22.2.2017.

3. Considering the plea of the petitioners that pursuant to the show cause notice issued by the respondent they had submitted explanations on 2.2.2017 and 6.2.2017 respectively, we direct the respondent to consider the same and pass appropriate orders in accordance with law within fifteen days from the date of receipt of a copy of this order. Till such time an order is passed by the respondent, there shall be an order of status quo.

The petitions stand disposed of accordingly. No costs. Consequently, W.M.P.Nos.4547 to 4550 of 2017 are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sasi

To:

The Commissioner
Poonamallee Municipality
Poonamallee, Chennai - 56.

+1cc to M/s. N.A. Nissar Ahmed, Advocate, S.R.No.11293, 11294
+1cc to the Government Pleader, S.R.No.11402

Ug(CO)
Eu 02.03.17

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