

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.9827 of 2017 &
WMP No.10818 & 10819 of 2017

V.Venkatesan

... Petitioner

v.

1. The Regional Assistant Commissioner(South)
Greater Chennai Corporation,
Zone -13, L.B, Road
Adyar, Chennai.

2. The Zonal Officer,
Greater Chennai Corporation,
Zone 13 L B Road,
Adyar, Chennai.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorari calling for the records related to impugned proceeding in Ma.A.13/GO.179/006/2017, Ma.A.13/ GO.179/ 008/2017 and Ma. A. 13/GO.179/009/2017 all dated 24.03.2017 issued under sections 220 and 222 of the Chennai City Municipal Corporation Act IV of 1919 and consequently forbear the respondents herein from in any manner interfering with the trading activities carried on in the Present DNR.No.211 Old No.13/D, Velachery Main Road, Velachery, Chennai, comprised in Survey No.437/2 in Velachery Village within Sub-registration District of Velachery.

For Petitioner : Mr.S.Sathya Narayanan

For Respondents : Mr.V.Ayyadurai, Addl. Advocate General
Asst. by Mr.P.V.Selvakumar,
S.C. for Corporation.

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of Certiorari calling for the records relating to the impugned proceedings dated 24.03.2017 issued under sections 220

and 222 of the Chennai City Municipal Corporation Act IV of 1919 and consequently forbear the respondents herein from in any manner interfering with the trading activities carried on in the New Door No.211, Old No.13/D, Velachery Main Road, Velachery, Chennai, comprised in Survey No.437/2 in Velachery Village within Sub-registration District of Velachery, Chennai.

2. By the impugned notice dated 24.03.2017, the first respondent informed the petitioner that he had encroached the road measuring an extent of 63.60m² (15.90 m x 4.0m) and therefore, called upon the petitioner to remove the encroachment and in the event of failure to do so, the respondents have to take appropriate steps for removing the encroachment. Challenging this notice, the petitioner has filed the above writ petition.

3. Even in the impugned notice, it has been mentioned that notice has been issued under sections 220 and 222 of the Chennai City Municipal Corporation Act IV of 1919.

4. Mr.S.Sathya Narayanan, learned counsel appearing for the petitioner submitted that the impugned notice has been issued for evicting the petitioner from the property even without giving the mandatory notice under section 220 of the Chennai City Municipal Corporation Act. The learned counsel further submitted that in the impugned notice, the respondents sought to evict the petitioner, even without notice.

5. Mr.V.Ayyadurai, learned Additional Advocate General, appearing on behalf of the respondents submitted that the impugned order dated 24.03.2017 may be treated as a notice under section 220 of the Chennai City Municipal Corporation Act and the petitioner may be directed to submit his explanation within 15 days from today and the first respondent may be directed to pass orders, after considering the petitioner's reply within 3 days thereafter.

6. The learned counsel appearing for the petitioner also submitted that the petitioner would submit his explanation within 15 days from today.

7. In view of the submissions made by the learned counsel on either side, the impugned order dated 24.03.2017 shall be treated as notice under section 220 of the Chennai City Municipal Corporation Act and the petitioner is directed to give his explanation to the notice dated 24.03.2017 within 15 days from today. On receipt of the explanation, the first respondent is directed to consider the petitioner's explanation and pass orders in accordance with law, within 3 days thereafter.

With these observations, the Writ Petition is disposed of.
No costs. consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Rj

To

1. The Regional Assistant Commissioner (South)
Greater Chennai Corporation,
Zone -13, L.B, Road
Adyar, Chennai.
2. The Zonal Officer,
Greater Chennai Corporation,
Zone 13 L B Road,
Adyar, Chennai.

+1 cc to Mr.P.V.Selvakumar Advocate sr 25120

+1 cc to M/s.S.Sathyannarayanan Advocate sr 25796 dt 13/06/2017

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sj (co)
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