

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.15320 of 2017

The Secretary

Abilash Apartments Residents

Welfare Association (Regd.No.486/98)

No.6 (Old No.75), Lakshmi Nagar IV State

Nanganallur, Chennai - 600 061.

...Petitioner

Vs

1 The Assistant Commissioner
Greater Chennai Corporation
Zonal Office/Zone 12
Alandur, Chennai - 600 016.

2 A.Loganathan

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari to call for the records in connection with proceedings in ZnXII/C.No.TP/0059/2017, dated 01.06.2017 of the first respondent and quash the same.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.V.C.Selvasekaran
for 1st respondent

ORDER

(Order of the Court was made by M.Sathyanarayanan,J.)

By consent, the writ petition is taken up for final disposal.

2. The petitioner association would submit for the purpose of safety, they were advised to install Closed-Circuit Television Cameras and for monitoring the same, a small office-cum-security shed has been constructed in the common utility area. Aggrieved by the same, the second respondent herein, on an earlier occasion, had filed

W.P.No.2986 of 2011 against the Commissioner, Alandur Municipality and the petitioner association praying for issuance of a mandamus to direct the Alandur Municipality to take appropriate action in discharge of their public and statutory duties based on the representation dated 22.10.2010 (received by the Alandur Municipality on 27.10.2010) within a reasonable time.

3. This Court, vide final order dated 4.1.2017, has directed the Commissioner, Alandur Municipality to conduct enquiry and pass appropriate orders on the representation submitted by the second respondent herein within twelve weeks from the date of receipt of the said order, after providing due opportunity to the parties concerned.

4. It is the submission of the learned counsel for the petitioner that the first respondent, after conducting enquiry, has sent a communication dated 1.6.2017, bearing reference Zn XII/C.No.TP/0059/2017, informing the petitioner association that action will be taken to lock and seal the unauthorized building which was constructed by the petitioner association without plan approval from the Greater Chennai Corporation.

5. It is submitted by the learned counsel for the petitioner that if the first respondent wants to lock and seal the premises, appropriate notice should have been issued and without doing so, they are attempting to lock and seal the said premises, which had been constructed to monitor the CCTV Cameras installed for safety purpose. It is further submitted that in the event of locking and sealing the said premises, the residents of the flats of the petitioner association will be put to irreparable loss and hardship and, therefore, prays for appropriate orders to quash the said notice dated 1.6.2017.

6. Mr.V.C.Selvasekaran, learned counsel accepts notice on behalf of the first respondent and on instructions would submit that due process of law would be followed in the form of lock and seal notice and, therefore, the apprehension expressed by the petitioner is unfounded and prays for dismissal of the writ petition.

7. This Court, in the light of the above facts and circumstances of the case, grants liberty to the first respondent to issue lock and seal notice to the petitioner association on the basis of the communication dated 1.6.2017, bearing reference Zn XII/C.No.TP/0059/2017, and upon receipt of the same, the petitioner is at liberty to work out its remedy in accordance with law.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.16615 of 2017 is closed.

-s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

sasi

To:

- 1 The Assistant Commissioner
Greater Chennai Corporation
Zonal Office/Zone 12
Alandur, Chennai - 600 016.

+1 CC to Mr.K. Thiruvengadam, Advocate sr 43004

W.P.No.15320 of 2017

SKS (CO)
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