

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2018

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN  
and  
THE HON'BLE MR. JUSTICE P.D.AUDIKESAVALU

W.P. No.12178 of 2018  
and

W.M.P.No.14209 of 2018

Padi Vattara Nadar Sangam  
rep. by its President A.Pandian ... Petitioner

Vs.

1.The Commissioner,  
Greater Chennai Corporation,  
Rippon Buildings, Park Town,  
Chennai - 3.

2.The Executive Engineer,  
Greater Chennai Corporation,  
Zone VII, Ambattur, Chennai. ... Respondents

PRAYER: Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent in the impugned Notice No.Z07/TPENF/83/2018 dated 07.02.2018, quash the same and direct the respondents to defer the proceedings enabling the petitioners Sangam to file regularisation application as per Section 113 C of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner .. Mr.M.L.Ramesh

For Respondents .. Mr.R.Arulmozhi

ORDER

(Order of the Court was made by V.PARTHIBAN, J.)

The petitioner has approached this Court seeking the following relief:

to issue a writ of certiorarified mandamus to call for the records of the second respondent in the impugned Notice No.Z07/TPENF/83/2018 dated 07.02.2018,

quash the same and direct the respondents to defer the proceedings enabling the petitioners Sangam to file regularisation application as per Section 113 C of the Tamil Nadu Town and Country Planning Act, 1971.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. From a perusal of the records, it is seen that Chennai Corporation has issued a de-occupation notice dated 07.02.2018 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (as amended by Act 61 of 2008) against the petitioner. Aggrieved against the same, the present writ petition has been filed.

4. The petitioner is permitted to file an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 with the application for condonation of delay. On such application for condonation of delay, the appeal be made by the petitioner and the same shall be considered by the competent authority on merits and in accordance with law. The petitioner is permitted to move the authority within a period of two weeks from the date of receipt of a copy of this order and the authority concerned shall pass orders within a period of eight weeks thereafter. There shall be an order of interim stay for a period of two weeks from the date of receipt of a copy of this order. It is open to the petitioner to move the authority concerned for any interim protection.

5. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Commissioner,  
Greater Chennai Corporation,  
Rippon Buildings, Park Town,  
Chennai - 3.

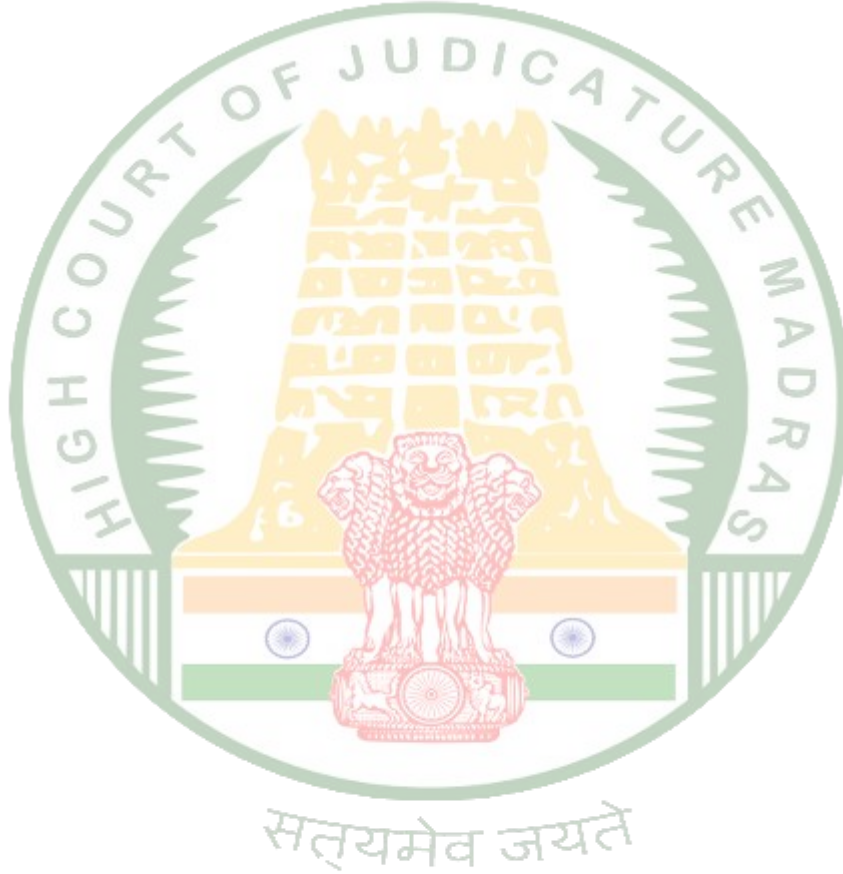
2.The Executive Engineer,  
Greater Chennai Corporation,  
Zone VII, Ambattur, Chennai.

+1cc to Mr.R.ARUNMOZHI, Advocate, S.R.No. 33336

+1cc to Mr.M.L.RAMESH, Advocate, S.R.No. 33222

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SSV(CO)  
TR(14/05/2018)



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