

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.23571 of 2018 and

W.M.P.Nos.27523 & 27524 of 2018

Shageera Banu

.. Petitioner

v.

- 1 The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai 3
- 2 The Assistant Executive Engineer
Greater Chennai Corporation - Zone-IX
No.1, Lake Area
4th Cross Street
Nungambakkam
Chennai - 600 034
- 3 The Executive Engineer
Greater Chennai Corporation - Zone IX
No.1, Lake Area
4th Cross Street
Nungambakkam
Chennai - 600 034

- 4 M/s.South Indian Photographic
and Allied Traders Association

New No. 368, Old No.640
Thousands Lights Anna Salai
Chennai - 600 006

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the entire records of the respondents 1 to 3 in their proceedings Notice No. Zone IX DN 111 / TPENF / 009/2018, dated 18.7.2018, to quash the same and consequently forbearing the respondents from in any manner proceedings with the impugned notice.

For Petitioner : Ms.P.Bagyalakshmi

For Respondents : Mr.A.Nagarajan
Standing Counsel - for R1 to R3

ORDER

(Order of the Court made by M.DURAI SWAMY,J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents 1 to 3 in their proceedings dated 18.07.2018, to quash the same and consequently forbearing the respondents from in any manner proceedings with the impugned notice.

2. The 3rd respondent has issued a Locking & Sealing and Demolition Notice dated 18.07.2018, which is challenged by the tenant of the premises in this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the 3rd respondent has not issued any notice to the petitioner and therefore, on that ground the petitioner-tenant is challenging the Locking & Sealing and Demolition Notice dated 18.07.2018.

4. The 3rd respondent filed their counter wherein he has specifically stated that notice dated 14.09.2018 under section 56 and 57 read with section 85 of the Tamil Nadu Town and Country Planning Act, 1971, has been issued to the 4th respondent as well as to the Writ Petitioner, who is the tenant under the 4th respondent.

5. Since the petitioner has been issued with the notice dated 14.09.2018, under section 56 and 57 read with section 85 of the Tamil Nadu Town and Country Planning Act, we are not inclined to entertain the Writ Petition. Accordingly, the Writ petition is dismissed. However, it is open to the petitioner to challenge the notice dated 14.09.2018

under section 80-A of the Tamil Nadu Town and Country Planning Act,

<http://www.judis.nic.in>

1971. No costs. Consequently, the connected miscellaneous petitions are closed.

(MRS.V.K.TAHILRAMANI, CHIEF JUSTICE) (M.DURAI SWAMY)

30.11.2018

Index : Yes/No

Speaking Order/Non Speaking Order

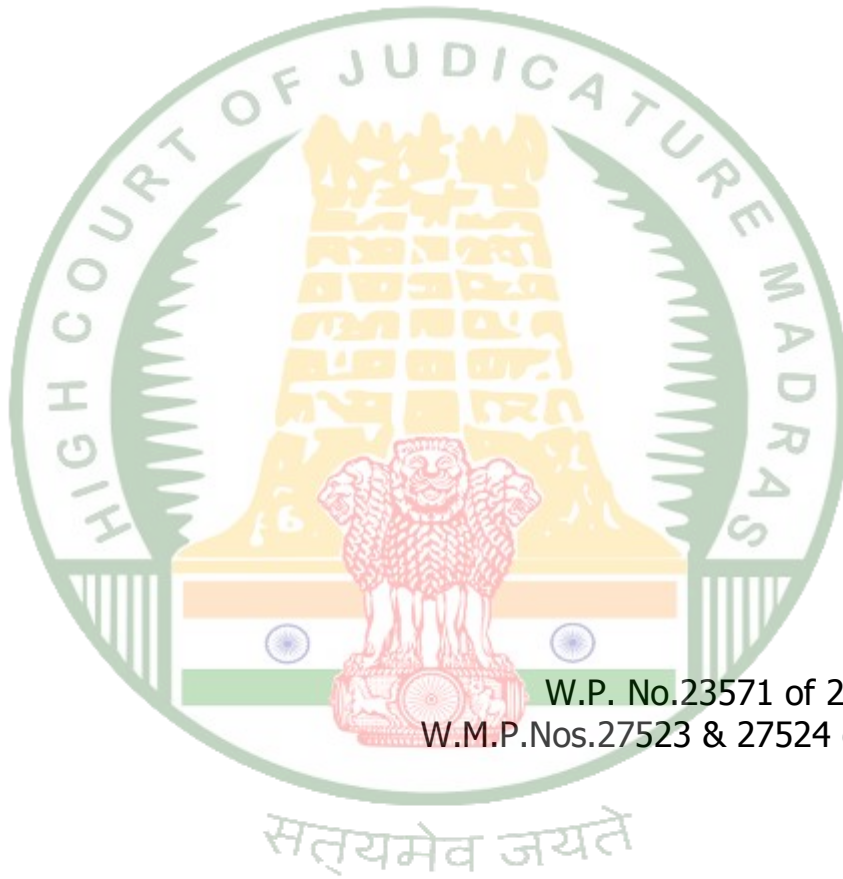
Rj

To

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- 3 The Executive Engineer
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Nungambakkam, Chennai - 600 034

THE HON'BLE
MRS.V.K.TAHILRAMANI
CHIEF JUSTICE
AND
M. DURAISWAMY

Rj



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