

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.1045 of 2019

R.Natarajan

.. Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Secretary to the Government
Housing and Urban Development Department
Fort St.George, Chennai 09.
- 2 The Managing Director
The Chennai Metropolitan Development
Authority (CMDA)
Egmore, Chennai 08.
- 3 The Commissioner of Corporation
Office of the Commissioner of Corporation
Rippon Building, E.V.R. Salai
Chennai 600 003.
- 4 The Assistant Engineer
Office of the Corporation
Division-44, Zone 04.
Vyasarpadi, Chennai 34.
- 5 The Assistant Executive Engineer
Office of the Corporation/U-11 Zone 04.
Vyasarpadi, Chennai -34.
- 6 The Executive Engineer
Office of the Corporation, Zone -04
Tondiarpet, Chennai.
- 7 The Inspector of Police
Sembium Police Station, Chennai -11.
- 8 Mr.Velu
Respondents

..

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd to 6th respondents herein to consider the representation dated 15.12.2018 and to remove the unauthorized constructions made by the 8th respondent herein.

For Petitioner : Mr.S.Madhusudanan

For Respondents: Mr.S.Kamala Kannan,
Government Advocate - for R1 & R7
Mr. S.Thiruvengadam - for R2
Mr.V.C.Selvasekaran - for R3 to R6
No appearance - for R8

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner is seeking direction to the respondent Nos. 2 to 6 to consider the representation dated 15.12.2018 and to remove the unauthorized constructions made by respondent No.8.

2. In the counter affidavit filed by the respondent No.3 to 6 it is stated that as far as respondent No.8 is concerned, the ongoing construction made by the respondent No.8 was inspected by the Assistant Executive Engineer and Assistant Engineer Division-44 on 22.09.2008 and based on the inspection, a notice dated 27.09.2018 under Sections 56 & 57 read with section 86 of the Tamil Nadu Town & Country Planning Act, 1971 as amended by act 61 of 2008 to stop the work was issued.

3. The respondent No.6 also issued a notice dated 31.12.2019 for Locking and Sealing and Demolition to the respondent No.8. We have perused the said notice. It is seen that the three signatures on the said notice are dated 03.02.2019, however, there is a typographical error in the date of the notice which shows the date as 31.12.2019. In view of the dates below the three signatures, it has to be held that the notice is issued on 03.02.2019.

4. In the counter affidavit, it is further stated that as far as the petitioner is concerned, based on the inspection, notice dated 17.12.2018, under Sections 56 & 57 read with section 86 of the Tamil Nadu Town and Country Planning act 1971, calling upon the petitioner to produce the copy of the original plan within 15 days was issued, however, the petitioner, even after the receipt of the notice has failed to produce the approved plan and hence, entire building was treated as unauthorized and accordingly, a notice of Locking and Sealing and Demolition, dated 03.02.2019 was issued to the petitioner. We have perused the said notice. It is seen that the three signatures on the said notice are dated 03.02.2019, however there is a typographical error in the date of the notice which

shows the date as 31.12.2019 . From the dates below, the three signatures which is 03.02.2019 it will have to be held that the notice is dated 03.02.2019 and not 31.12.2019.

5. In the counter affidavit it is further stated that further action will be taken against the petitioner as well as the respondent No.8.

6. In view of the averments in the counter affidavit, no further directions are necessary in the Writ Petition and the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

Rj
To

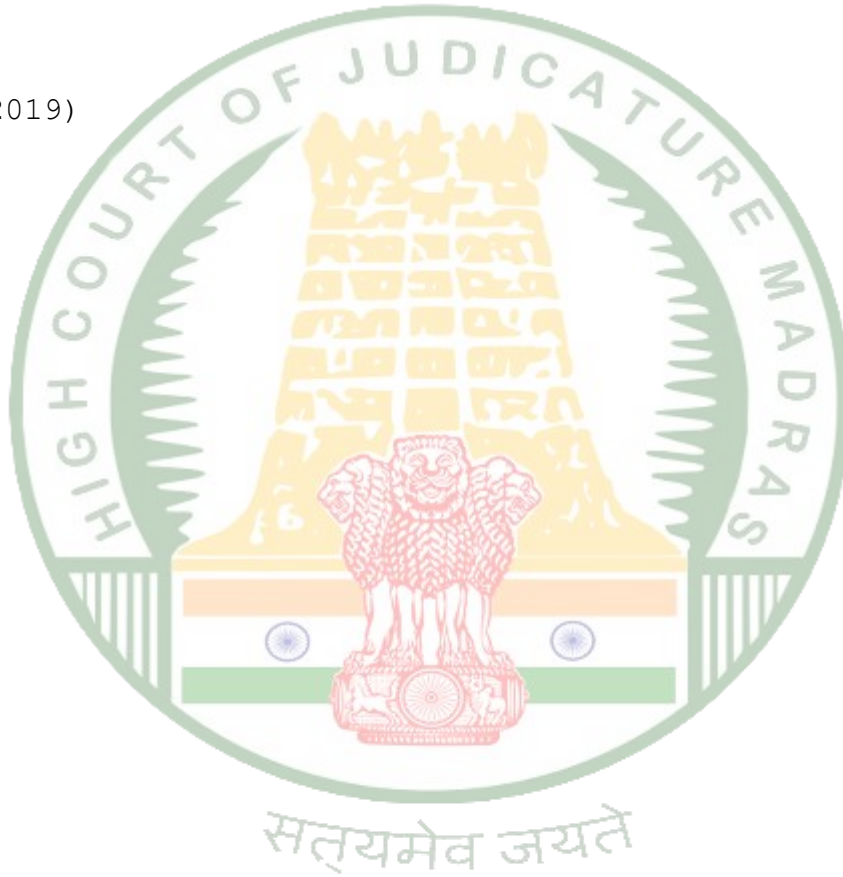
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7 The Inspector of Police
Sembium Police Station, Chennai -11.

+1 CC to Mr.S.Madhusudanan, Advocate sr 13120.
+1 CC to Mr.S.Thiruvengadam, Advocate sr 13101.
+1 CC to The Govt. Pleader sr 13409.

W.P. No.1045 of 2019

BR (CO)
SP (04/03/2019)



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