

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.21686 of 2019

B.Sukumar

.. Petitioner

-vs-

1.The Commissioner,
Greater Chennai Corporation,
Corporation's Office,
Ripon Building,
Periyamet, Chennai - 600 003.

2.The Assistant Engineer, Div-078,
Corporation Ward Office
Manickam Street,
Choolai, Chennai - 600 007.

3.The Assistant Executive Engineer, Unit-17,
Corporation Office,
Arunchala (P) Street,
Kosapet, Chennai - 600 012.

4.Kumaravel

5.Madhava Shankar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records pending on the file of the 2nd and 3rd respondents in deviation Notice No.06/00510/2018, dated 23.08.2018 issued under Section 56 and 57 of Town and Country Planning Act, 1971 and quash the same.

For Petitioner : Mr.AL.Ramamoorthy

For Respondents : Dr.C.Ravichandran
for respondent Nos.1 to 3

ORDER

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

The petitioner has filed the above writ petition challenging the notice dated 23.08.2018 issued under Sections 56(1) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 issued by the respondent Corporation directing the petitioner to stop the construction work of the building and calling for approved plan.

2. On a perusal of the impugned notice dated 23.08.2018, it is seen that the petitioner was called upon to produce the approved plan and in case the petitioner fails to do so, the official respondents shall take action in accordance with the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

3. Since the official respondents have only called for the approved plan from the petitioner, it is open to the petitioner to submit the approved plan before the official respondents. Therefore, by issuing the impugned notice dated 23.08.2018, the respondents 1 to 3 have not contemplated any action at this point of time.

In such view of the matter, the writ petition filed by the petitioner is premature and we are not inclined to entertain the same. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P.No.20908 of 2019 is closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

bbr

To

1.The Commissioner,
Greater Chennai Corporation,
Corporation's Office,
Ripon Building,
Periyamet, Chennai - 600 003.

2.The Assistant Engineer, Div-078,
Corporation Ward Office
Manickam Street,
Choolai, Chennai - 600 007.

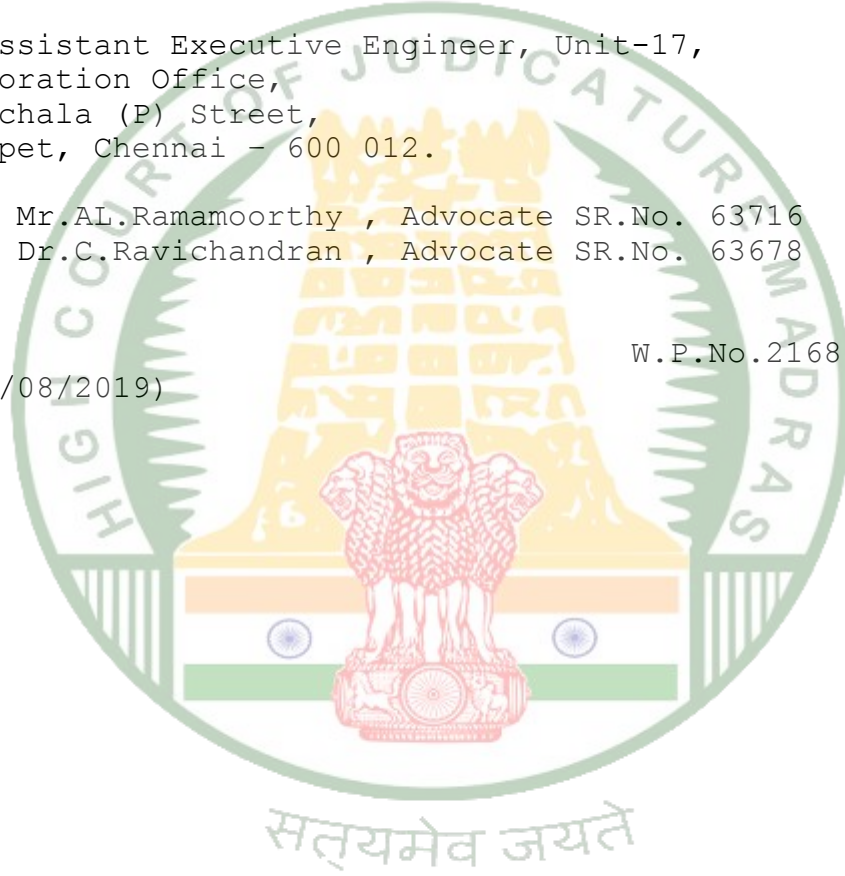
3.The Assistant Executive Engineer, Unit-17,
Corporation Office,
Arunchala (P) Street,
Kosapet, Chennai - 600 012.

+1cc to Mr.AL.Ramamoorthy , Advocate SR.No. 63716

+1cc to Dr.C.Ravichandran , Advocate SR.No. 63678

W.P.No.21686 of 2019

A.SK(13/08/2019)



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