

1 IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.8642 of 2019

S.Sabapathy

.. Petitioner

-vs-

1.The Government of Tamil Nadu,
rep. by its Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

3.The Executive Engineer - Zone IX,
Office of the Executive Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

4.The Assistant Executive Engineer / U-24,
Office of the Assistant Executive Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

5.The Junior Engineer / D-118,
Office of the Junior Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the entire records relating to the impugned notice dated 15.2.2019 in Notice No.ZONE IX / DN - 118 / TPENF / 059 / 2019 of the respondents 3 to 5 and quash the same.

For Petitioner : Mr.R.Gopinath
for M/s.McGAN LAW FIRM

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondent No.1

Mr.V.C.Selvasekaran
for respondent Nos.2 to 5

ORDER

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

Heard Mr.R.Gopinath, learned counsel for the petitioner; Mr.S.Kamalesh Kannan, learned Government Advocate for respondent No.1 and Mr.V.C.Selvasekaran, learned counsel for respondent Nos.2 to 5.

2. The case of the petitioner is that he had received a notice under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice is dated 15.02.2019 and it pertains to Building No.7, Poes Road, M.M.Garden, Varatharajapuram, Teynampet, Chennai-600 018. In the said notice, the petitioner was mainly called upon to produce the approved plan.

3. It is an admitted fact that against the notice dated 15.02.2019 issued to the petitioner, the petitioner has preferred a representation dated 21.02.2019.

4. The learned counsel for respondent Nos.2 to 5 states that respondent No.3 is the appropriate authority to consider the said representation. He further stated that respondent No.3 would consider the said representation and the documents annexed thereto and thereafter, pass an order within a period of six weeks from the date of receipt of a copy of this order. The said submission is recorded.

5. Looking to the fact that the impugned notice is only a notice calling upon the petitioner to produce the approved plan, we do not find any reason to interfere with the same and the writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.9159 and 9161 of 2019 are closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.
- 3.The Executive Engineer - Zone IX,
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- 4.The Assistant Executive Engineer / U-24,
Office of the Assistant Executive Engineer,
Greater Chennai Corporation, No.1, Lake Area 4th Cross
Street,
Nungambakkam, Chennai - 600 034.
- 5.The Junior Engineer / D-118,
Office of the Junior Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai - 600 034.

+1cc to M/s.McGAN LAW FIRM , Advocate SR.No. 31402

+1 cc to Government Pleader SR.NO. 30993

W.P.No.8642 of 2019

SKV (CO)

A.SK(24/04/2019)