

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.7741 of 2019

&

WMP No.8386 of 2019

R.Vimalabai ... Petitioner

-vs-

1.The Assistant Executive Engineer,
Unit-25,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-600 034.

2.The Assistant Engineer,
Division No.126,
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 records in Notice No.Z.IX.TPENF/Dn.126/21/2019 dated 19.01.2019 in respect of the petitioner's building comprised in R.S.No.4436 (part), Plot No.310 (part) situate at New No.53/1, Old No.23/41A, 2nd Trust Main Road, Mandhavelipakkam, Chennai-600 028 issued by the 1st and 2nd respondents and quash the same.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Dr.C.Ravichandran

ORDER

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

Heard Mr.R.Abdul Mubeen, learned counsel for the petitioner and Dr.C.Ravichandran, learned counsel for the respondents.

2. The petitioner is seeking to quash the notice dated 19.01.2019, which is issued in respect of the petitioner's building situated in R.S.No.4436 (part), Plot No.310 (part), New No.53/1, Old No.23/41A, 2nd Trust Main Road, Mandhavelipakkam, Chennai-600 028.

3. We have perused the said notice, which is issued by the Greater Chennai Corporation, Zone-IX. The said notice is issued calling for the approved plan from the petitioner. In the said notice, it is stated that if the petitioner fails to comply with the notice calling for the approved plan, only then, the authorities will take legal action against the construction put up by the petitioner.

4. The learned counsel for the petitioner states that the petitioner submitted a representation/reply dated 24.01.2019 pursuant to the notice dated 19.01.2019 issued to her. The learned counsel further states that he apprehends that the premises of the petitioner will be locked and sealed and demolished.

5. Obviously, the authorities cannot lock and seal and demolish the premises unless a notice is given under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. Only after such notice has been served on the petitioner can the authorities lock and seal and demolish the premises of the petitioner. If the petitioner receives locking and sealing and demolition notice from the authorities, then it would be open to her to file an appeal. At this stage, no interference is called for.

6. The writ petition is dismissed. No costs. Consequently, W.M.P.No.8386 of 2019 is closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bbr
To

1.The Assistant Executive Engineer,
Unit-25,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-600 034.

2.The Assistant Engineer,
Division No.126,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-600 034.

+lcc to Dr.C.Ravichandran, Advocate Sr.26388
+lcc to Mr.R.Abdul Mubeen, Advocate Sr.26237

W.P.No.7741 of 2019

ssi[co]
srg 08/04/2019



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