

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. No.7648 of 2019 and
W.M.P.Nos.8284 & 8285 of 2019

1 Mrs. Siona Priscilla
2 Mrs. Kiran Fathima
3 J.Prabhakar .. Petitioners

v.

1 Greater Corporation of Chennai
Rep. by The Commissioner
Rippon Building No.1131, EVR Salai
Chennai - 600 003
2 Executive Engineer - I
Zone 13, No.115, Dr. Muthulakshmi Salai
LB Road, Adyar
Chennai - 600020
3 Assistant Executive Engineer
Unit 38, No.115, Dr. Muthulakshmi Salai
LB Road, Adyar
Chennai - 600020
4 Assistant Engineer
Division 181. No.115, Dr. Muthulakshmi Salai
LB Road, Adyar
Chennai - 600020
5 Additional Secretary (Technical)
Housing and Urban Development Department
Secretariat, Chennai - 600009
6 V.Natarjan
7 Nalini Natarajan .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari Calling for the records of the 5th respondent in proceedings Letter No. 24696/

UD-VII (2)/ 2018-3, dated 04.03.2019 and consequential notice of the 2nd respondent in Lr. No. Z.O.13/C.No.SPL/2019, dated 07.03.2019 and quash the same as illegal .

For Petitioner : Mr.M.K.Kabir, Senior Counsle
for Ms.M.Kaviyarasi

For Respondents: Mr.V.C.Selvasekaran - for R1 to R4

Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) - for R5
MrK.G.Vasudevan - for R6 & R7

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioners have filed the above Writ Petition to issue a Writ of Certiorari to call for the records of the 5th respondent in the proceedings dated 04.03.2019 and consequential notice of the 2nd respondent dated 07.03.2019 and to quash the same.

2. It is the case of the petitioners that they are running play school at No.29/53, Rukmani Street, Kalakshetra Colony, Adyar, Chennai since 2013, however, without obtaining any permission from the authorities for running the school. In such circumstances, the authorities have initiated proceedings for unauthorized usage of the building. As against the same, the petitioners have preferred an appeal under section 80-A of the Town and Country Planning Act, 1971, before the 5th respondent. The 5th respondent, by order dated 04.03.2019 directed the Chennai Corporation to pursue further action. Challenging this order, the petitioners have filed the Writ Petition.

3. The learned Senior Counsel appearing for the petitioners submitted that the respondents 6 and 7, who are their landlords, have already filed Rent Control Original Petition for eviction and the same is pending. That apart, the learned Senior Counsel submitted that the petitioners are willing to shift the School to some other place and shall run the school only after obtaining permission from the authorities. The learned Senior Counsel further submitted that they will continue to reside in the said premises using it as residential house.

4. The 5th respondent has considered all the defences taken by the petitioners, while rejecting their claim in the impugned order dated 04.03.2019.

5. We do not find any error or irregularity in the order passed by the 5th respondent. In these circumstances, the Writ

Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

Rj

To

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+1cc to Mr.M.Kaviyarasi, Advocate, S.R.No.32386
+1cc to the Government Pleader, S.R.No.32443

W.P.No.7648 of 2019 and
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AD(CO)

RRS (15/04/2019)