

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2019

CORAM

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

THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.11740 of 2019

Dr.U.Rama Rao

... Petitioner

Vs

- 1 The Corporation of Chennai
Rep. by its Commissioner
Rippon Buildings
Chennai - 3.
 - 2 The Executive Engineer
Zone V, Corporation of Chennai
Chennai.
 - 3 The Assistant Executive Engineer
Unit XIII, Corporation of Chennai
Chennai
 - 4 The Assistant Engineer - Div.060
Corporation of Chennai
Chennai.
 - 5 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Thalamuthu Natarajan Maligai
Egmore, Chennai - 08.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records from the file of the respondents relating to the impugned notice dated 01.04.2019 issued by respondents 2 to 4 in letter No.05/5377/2019 and quash the same.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.V.C.Selvasekaran
for respondents 1 to 4

Mr.P.S.Ganesh
for 5th respondent

ORDER

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

Heard Mr.T.Sai Krishnan, learned counsel for the petitioner; Mr.V.C.Selvasekaran, learned counsel for respondents 1 to 4 and Mr.P.S.Ganesh, learned counsel for the fifth respondent.

2. The petitioner is seeking quashing of notice dated 1.4.2019 issued by respondents 2 to 4. The said notice is a De-occupation notice which is issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice pertains to building at Door No.112/229, Thambu Chetty Street, Mannady, Chennai - 600 001.

3. The learned counsel for the respondent Corporation has stated that they are withdrawing the said notice and a fresh notice will be issued to the petitioner in accordance with law.

4. In view of the statement made by the learned counsel for the respondent Corporation that they are withdrawing the notice dated 1.4.2019, nothing survives for adjudication in this petition. Hence, the petition is dismissed, however, with liberty to the respondent Corporation to issue fresh notice in accordance with law. No costs. Consequently, W.M.P.No.11951 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

- 1 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 3.
- 2 The Executive Engineer
Zone V, Corporation of Chennai
Chennai.
- 3 The Assistant Executive Engineer
Unit XIII, Corporation of Chennai
Chennai
- 4 The Assistant Engineer - Div.060
Corporation of Chennai
Chennai.
- 5 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Thalamuthu Natarajan Maligai
Egmore, Chennai - 08.

+1cc to M/S.T.Sai Krishnan, Advocate Sr.38052

W.P.No.11740 of 2019

kj[co]
srg 30/05/2019

सत्यमेव जयते

WEB COPY