

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.Nos.22458 and 14536 of 2019

W.P.No.22458 of 2019:

Brotherhood Matriculation Higher Secondary School,
rep. by its Sr. Principal,
No.3/387, Kazura Garden,
Neelankarai,
Chennai-600 115.

... Petitioner

-vs-

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

2.The Zonal Officer,
Greater Chennai Corporation,
Zone-15, Rajiv Gandhi Salai,
Sholinganallur,
Chennai-600 119.

3.The Asst. Executive Engineer,
Unit 44,
Greater Chennai Corporation,
Neelankarai,
Chennai-600 115.

.. Respondents

W.P.No.14536 of 2019:

Brotherhood Matric Higher Secondary School,
rep. by its Sr. Principal J.George William,
No.3/387, Kazura Garden,
Neelankarai,
Chennai-600 115.

.. Petitioner

WEB COPY

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

2.The Zonal Officer,
Greater Chennai Corporation,
Zone-15, Rajiv Gandhi Salai,
Sholinganallur,
Chennai-600 119.

.. Respondents

Writ Petition No.22458 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records culminated in the 3rd respondent's impugned Stop Work Notice/Notice Calling for Approved Plan in Notice No.15/00020/2017 dated 07.10.2017 and quash the same and consequently, direct the respondents to permit the petitioner to complete the construction of asbestos shed over the school floor terrace.

Writ Petition No.14536 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 06.05.2019 and pass appropriating orders thereon.

For Petitioner in both : Mr.R.Prabhakaran
the Petitions

For Respondents in : Mr.V.C.Selvasekaran
both the petitions

COMMON ORDER

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

W.P.No.22458 of 2019 has been filed by the petitioner to issue a Writ of Certiorarified Mandamus, calling for the records culminated in the impugned stop work notice/notice calling for approved plan dated 07.10.2017, issued by respondent No.3 and quash the same and consequently, direct the respondents to permit the petitioner to complete the construction of asbestos shed over the school floor terrace.

2. W.P.No.14536 of 2019 has been filed by the petitioner to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 06.05.2019.

3. The learned counsel appearing for the petitioner submitted that respondent No.3 in W.P.No.22458 of 2019 had issued the impugned stop work notice/notice calling for approved plan dated 07.10.2017 alleging that the petitioner had put up unauthorized construction. The learned counsel further submitted that the petitioner has also given a representation dated 06.05.2019 in response to the notice dated 07.10.2017, however, the respondents have not considered the same yet.

4. Mr.V.C.Selvasekaran, learned counsel appearing for the respondents submitted that the petitioner's representation dated 06.05.2019, which was given in respect of the stop work notice/notice calling for approved plan dated 07.10.2017, would be considered by respondent No.2/The Zonal Officer, Greater Chennai Corporation, Zone-15, Rajiv Gandhi Salai, Sholinganallur, Chennai-600 119 and only after considering the same, respondent No.2 would proceed further with regard to the unauthorized construction put up by the petitioner school. The submission made by the learned counsel for the respondents is recorded.

5. In view of the submission made by the learned counsel appearing for the respondents to the effect that respondent No.2/The Zonal Officer, Greater Chennai Corporation, Zone-15, Rajiv Gandhi Salai, Sholinganallur, Chennai-600 119 would proceed further only after considering the petitioner's representation dated 06.05.2019, we are not inclined to give any further direction to the respondents. Accordingly, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.21842, 21846 and 14525 of 2019 are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To:

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

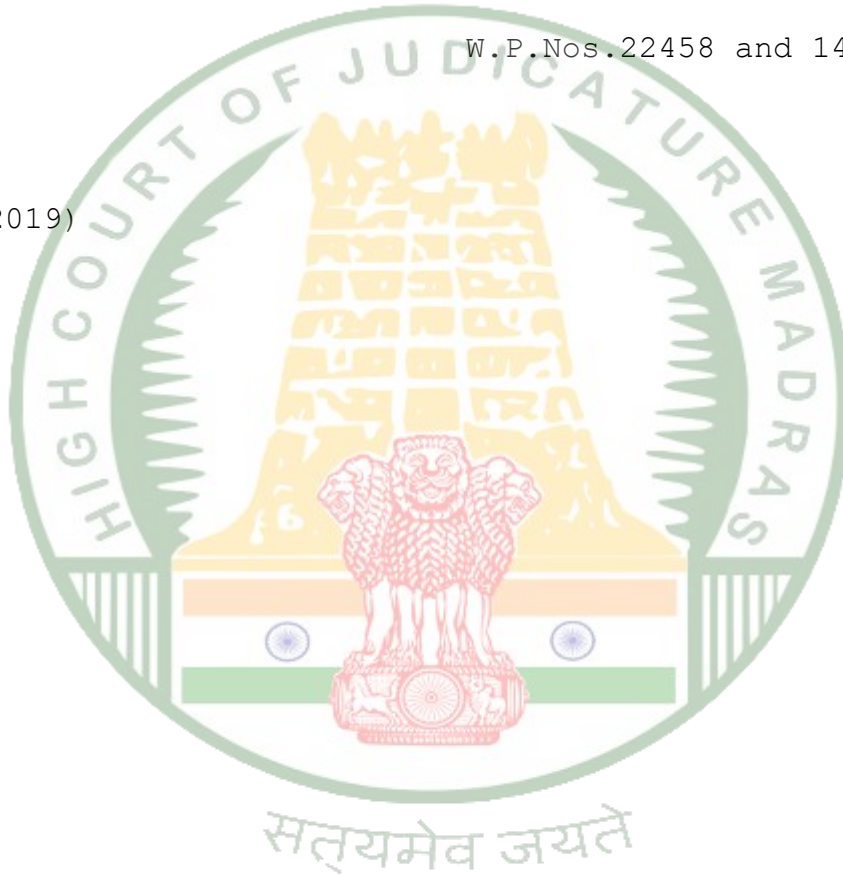
2.The Zonal Officer,
Greater Chennai Corporation,
Zone-15, Rajiv Gandhi Salai,
Sholinganallur,
Chennai-600 119.

3.The Asst. Executive Engineer,
Unit 44,
Greater Chennai Corporation,
Neelankarai,
Chennai-600 115.

+2 Ccs to Mr.R.Prabhakaran, Advocate sr 65430 & 65431.

W.P.Nos.22458 and 14536 of 2019

PA (CO)
SP (04/09/2019)



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