

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-09-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.24280 OF 2019

G.Harikrishnan

...

Petitioner

-VS-

- 1.The Commissioner of Corporation,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.
- 2.The Executive Engineer,
Zone-14,
Greater Chennai Corporation,
No.6/64, Puzhuthivakkam Main Road,
Chennai-600 091.
- 3.The Assistant Executive Engineer,
Zone-14, Unit-42,
Greater Chennai Corporation,
No.6/64, Puzhuthivakkam Main Road,
Chennai-600 091.

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4.The Assistant Engineer,
Division-188, Greater Chennai Corporation,
Chennai-600 091. ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the respondents 2 to 4 herein in their proceedings in Letter No.14/00123/2019, dated 17.07.2019, and quash the same as illegal.

For Petitioner : Mr.A.Tamilarasan

For Respondents : Mr.V.C.Selvasekaran

ORDER

(By *Dr.Vineet Kothari,J.*)

This Writ Petition is directed against the Lock & Seal and Demolition Notice, dated 17.07.2019, issued to the petitioner by the respondent-Greater Chennai Corporation.

2. Mr.A.Tamilarasan, learned counsel for the petitioner, has urged before the Court that a third party, to whom Plot No.5B was sold, has raised an unauthorised construction, whereas, the petitioner has not made any unauthorised construction and only on Plot No.5A in Periyar Nagar

Extension, 1st Street, Madipakkam, Chennai-600 091, he has constructed the house as per the Approved Plan. He, therefore, submitted that the Lock & Seal order coupled with Demolition Notice, issued to the petitioner, to restore the building in compliance with the Approved Plan is not justified.

3. Mr.V.C.Selvasekaran, learned counsel for the respondent-Corporation, however, submits that an appeal remedy is available to the petitioner against the impugned order, dated 17.07.2019, of the Corporation.

4. Having heard the learned counsel for the parties, we are of the opinion that the order impugned, dated 17.07.2019, is only a Show Cause Notice, to which, the petitioner should first show cause with relevant evidence and disclose all relevant facts pertaining to the case.

5. Writ Petition under Article 226 of the Constitution of India against a Show Cause Notice cannot be directly entertained, as it involves determination of certain facts by the authority concerned.

6. Therefore, we direct the petitioner to file an appropriate representation before the authority or reply to the Show Cause Notice, dated **17.07.2019**, with relevant evidence, in which event, the authority concerned shall pass a speaking order, after giving an opportunity of hearing to the petitioner, within a period of **three weeks** from today.

7. The petitioner, without any further notice, may appear before the authority concerned with his reply and relevant evidence on **17.09.2019** and a period of **three weeks**, as stated supra, is allowed to the respondent authority to pass appropriate orders in the matter. If any adverse order is passed against the petitioner, he will be free to avail the appeal remedy against the said order in accordance with law.

8. Writ Petition is disposed of accordingly. No costs.
Consequently, the connected W.M.P.No.24035 of 2019 is closed.

Index : Yes/No

Internet : Yes/No

Speaking / Non-Speaking Order

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(V.K.,J.) (C.S.N.,J.)
09-09-2019

To

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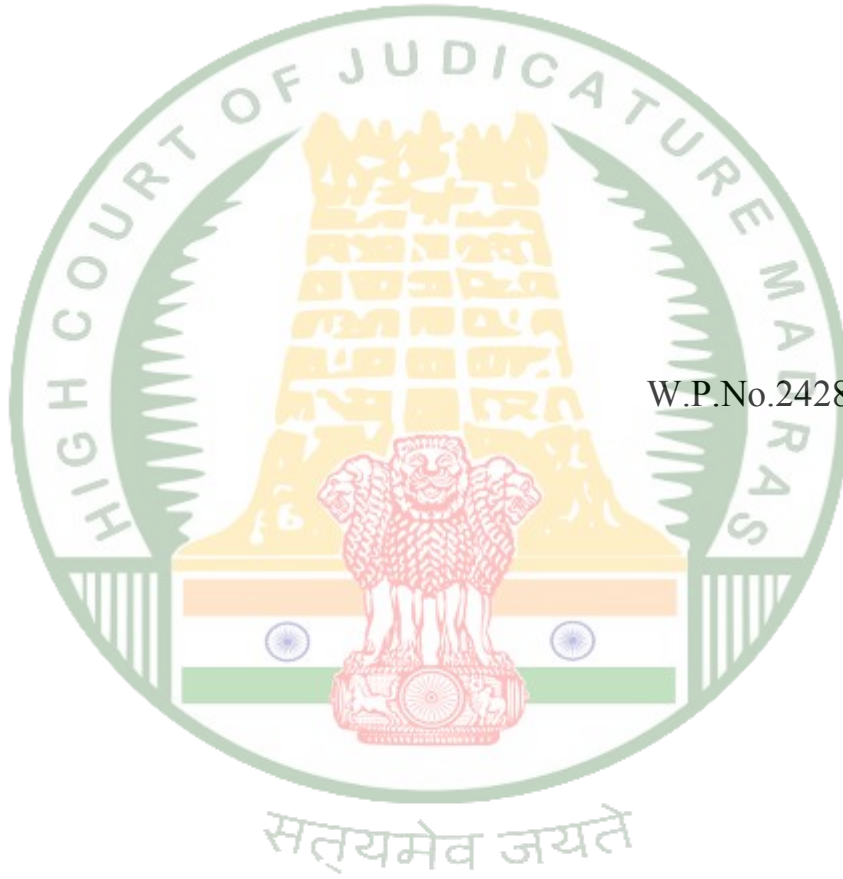
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and
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