

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

W.P.No. 32152 of 2019

C.M.Ramu

... Petitioner

-Vs-

1.The Commissioner,
Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

2.The Asst.Executive Engineer,
Unit-25, Greater Chennai Corporation,
Zone-IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

3.The Asst.Engineer,
Division No.124,
Greater Chennai Corporation,
Zone-IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

...Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the respondents particularly that of the respondents 2 and 3 dated 30.10.2019 vide notice No.Zone-IX/DN124/TPENF/086/2019, invoking provisions under Section 56 and 57 of Town and Country Planning Act, 1971 and quash the same as illegal and unlawful and consequently forbear the respondents, their men, agents, or anyone acting on their behalf from in any manner interfere with nor disturb the peaceful occupation and enjoyment of the petitioner's property situate at Old No.43/2, New No.36, North Mada Street, (Kutchery Lane), Mylapore, Chennai - 600 005 comprised in R.S.No.3276/2, Block No.65, Mylapore Village.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Dr.C.Ravichandran

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

What was challenged is the pre-notice issued by the second and third respondents dated 30.10.2019.

2. The learned counsel appearing for the petitioner submitted that construction has been completed long time back. In fact, it is his case that the construction was completed prior to 2011. It is his further submission that the building has approval plan.

3. We are not inclined to entertain this writ petition for the reason that the impugned notice is only a pre-notice issued under Sections 56 and 57 read with Section 85 of the Town and Country Planning Act, 1971. If the petitioner has completed the work, the order passed to stop the work also would become inexecutable. Suffice it to state that there is nothing to adjudicate upon on this notice.

4. The learned counsel for the petitioner further submitted that all the required particulars have been given in person. Inasmuch as there is no record to substantiate it, the petitioner is given liberty to give such documents once again within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the follow up action will have to be taken by the second respondent as per law. If the petitioner is still aggrieved over the decision of the second respondent, he can always work out the remedy in the manner known to law.

5. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected W.M.P.No. 32438 of 2019 is closed.

mmi/ssm

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

1.The Commissioner,
Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

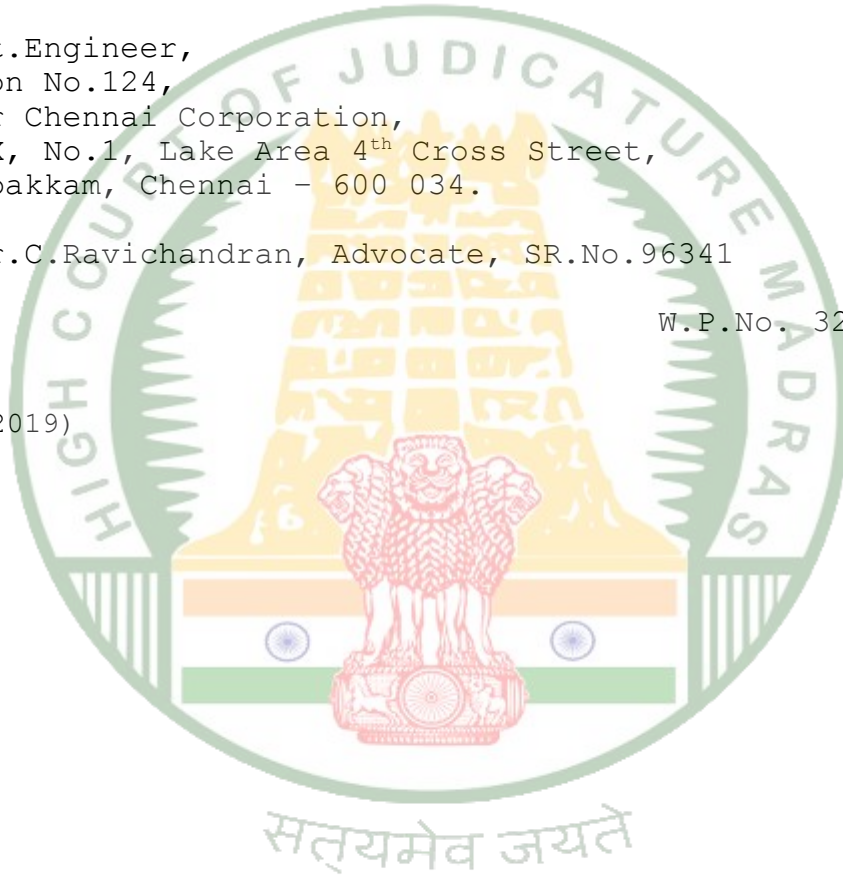
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3.The Asst.Engineer,
Division No.124,
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Zone-IX, No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai - 600 034.

+1cc to Dr.C.Ravichandran, Advocate, SR.No.96341

W.P.No. 32152 of 2019

Kak(21/11/2019)



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