



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 10252 of 2021
and

W.M.P. Nos. 10852 and 10854 of 2021

M/s. Stone Bridge Promoters (P) Ltd
Represented by its Managing Director
A.Zaheer Hussain, S/o. Aliyar
No.133, L&T Road, Burma Colony
Perungudi, Chennai - 600 096.

...Petitioner

Vs

- 1.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
- 2.The Executive Engineer
Zone 15, Corporation of Chennai
Sholinganallur
Chennai - 600 119.
- 3.The Assistant Executive Engineer
Zone 15, Corporation of Chennai
Sholinganallur
Chennai - 600 119.
- 4.The Assistant Commissioner
Zone 15, Corporation of Chennai
Sholinganallur
Chennai - 600 119.
- 5.P.K.Peer Mohammed
- 6.Ramesh
Singaravelar Main Road
Neelankarai
Chennai - 600 115.
- 7.Neelankarai Islamic Social Welfare Association
Represented by A.Khalifathu
Singaravelar Main Road
Neelankarai
Chennai - 600 115.



[R6 & R7 impeaded vide order
dated 22.06.2021 made in
W.M.P. No. 11673 of 2021]

8.The Secretary to Government
Housing and Urban Development Department
Chepauk, Chennai - 600 005.
[R8 suo motu impleader vide
order dated 22.06.2021.]

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the stop work notice/ notice calling for approved plan issued by the Third Respondent dated 18.03.2021 in Notice No. 15/00214/2021, to quash the same illegal.

For Petitioner : Mr. A.Gouthaman

For RR1 to 4 : Mr. K.Raja Srinivas

For R5 : Mr. D.Kanagasundaram

For R8 : Mr. P.Balathandayutham
State Government Counsel

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The Petitioner is the power of attorney holder of a vacant land measuring to an extent of 4743 square feet in Plot/ Site No. 31 comprised in Survey No. 74/68 (Old Paimash No. 152 and 152A), old Patta No. 4168, New Patta No. 6615, Singaravelan Salai, situated in Neelankarai Village, Sholinganallur Taluk, Kancheepuram District now within the limits of Corporation of Chennai. The Petitioner / power of attorney holder started making construction in the aforesaid property, after getting approved plan vide No.PPA/WDCN15/03715/2020 dated 24.07.2020. However, based on the private respondent's representations, stop work notice has been given, challenging the same only the Petitioner/Power of Attorney holder has come before this Court.

2. Heard Mr. A.Gouthaman, Learned Counsel for the Petitioner, Mr. Raja Srinivas, Learned Counsel appearing for the First to Fourth Respondents, Mr. D.Kanagasundaram, Learned Counsel appearing for the Fifth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

3. Based on the representations of the Fifth Respondent action has been taken against the Petitioner alleging that there is a violation in the construction. In this regard, the Third Respondent issued stop work notice on 18.03.2021. however, once stop work notice has been issued, it is always



open to the Petitioner to work out an alternate remedy available under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act' for short)

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4. The Secretary to Government
Housing and Urban Development Department
Chepauk, Chennai - 600 005
is suo motu impleaded as Eighth Respondent and Mr. P. Balathandayutham, Learned State Government Counsel takes notice for the newly impleaded Eighth Respondent in this Writ Petition.

5. The Petitioner is directed to file an appeal under Section 80-A of the Act for the within a period of two weeks from the date of receipt of a copy of this order and on such filing of Appeal, the newly impleaded Eighth Respondent shall give an opportunity of personal hearing to the Petitioner and pass appropriate orders within a period of twelve weeks, thereafter. Further the First to Fourth Respondents are directed to make joint inspection in the property after giving due notice to the Petitioner as well as the Sixth and Seventh Respondents and take action against the Sixth and Seventh Respondents, if the construction is found to be in violation of the said approved plan. If no approved plan is available with them, the newly impleaded Respondent shall take action against the Sixth and Seventh Respondent, after issuing notice as per law. It is made clear that in case an appeal has been preferred by the Petitioner as per this order, within a period of two weeks from the date of receipt of this order, no coercive steps shall be taken against them till twelve weeks.

6. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary,
The Government of Tamil Nadu,
Housing and Urban Development Department,
Chepauk, Chennai-600 005.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-600 008.



3.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-600 003.

4.The Executive Engineer,
Corporation of Chennai,
Regional Office - Central,
2nd Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai-600 030.

5.The Executive Engineer,
Zone 15, Corporation of Chennai,
Sholinganallur, Chennai-119.

6.The Assistant Executive Engineer,
Zone 15, Corporation of Chennai,
Sholinganallur, Chennai-119.

7.The Assistant Commissioner,
Zone 15, Corporation of Chennai,
Sholinganallur, Chennai-119.

+1cc to Mr.R.Ramesh, Advocate, S.R.No.29108

+1cc to Mr.D.Kanagasundaram, Advocate, S.R.No.28790

+1cc to the Government Pleader, S.R.No.29019

W.P. No. 10252 of 2021

GPL(CO)
GN(18/08/2021)