



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA  
and  
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI  
W.P.No.17813 of 2021 and WMP.No.19015/2021

Grace Hepzibah

...Petitioner

-vs-

1. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natarajar Maligai,  
Gandhi Irwin Road, Egmore,  
Chennai-600 008.
2. The Commissioner,  
Greater Chennai Corporation,  
Rippon Building, Park Town,  
Chennai-600 003.
3. The Assistant Engineer,  
Greater Chennai Corporation,  
Zonal Office VIII,  
2<sup>nd</sup> Cross Street (East),  
Pulla Avenue, Shenoy Nagar,  
Chennai-600 030.
4. The Assistant Executive Engineer,  
Greater Chennai Corporation,  
Zonal Office VIII,  
2<sup>nd</sup> Cross Street (East),  
Pulla Avenue, Shenoy Nagar,  
Chennai-600 030.

5. M.M.Sridhar

6. K.Nalini

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the notices in (i) Notice No.Zone - VIII/TPENF/258A/2021 dated 29.6.2021 and (ii) Notice No.Zone- VIII/TPENF/258B/2021 dated 29.6.2021 on the file of the 3<sup>rd</sup> and 4<sup>th</sup> respondents and quash the same and consequently, direct the 1<sup>st</sup> respondent to consider the petitioner's application dated 03.08.2021 for regularization u/s.113(c) of the Tamil Nadu Town and Country Planning Act, 1971, in terms of G.O.Ms.No.235 dated 30.10.2012 within a stipulated period that may be fixed by this Court.

For Petitioner : Ms.T.K.S.Bharathy Shri  
For 1<sup>st</sup> Respondent : Mr.P.G.Ganesh  
For respondents : Mr.K.Raja Shrinivas  
2 to 4

#### ORDER

(Order of the Court was made by T.RAJA.J)

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the notices in (i) Notice No.Zone - VIII/TPENF/258A/2021 dated 29.6.2021 and (ii) Notice No.Zone- VIII/TPENF/258B/2021 dated 29.6.2021 on the file of the 3<sup>rd</sup> and 4<sup>th</sup> respondents and quash the same with a consequential direction, directing the 1<sup>st</sup> respondent to consider the petitioner's application dated 03.08.2021 for regularization u/s.113(c) of the Tamil Nadu Town and Country Planning Act, 1971, in terms of G.O.Ms.No.235 dated 30.10.2012 within a stipulated period fixed by this Court.

2. Heard the learned Counsel on either side.

3. At the outset, we are of the view that the Writ Petition itself is not at all maintainable. The reason being that when the impugned notices were issued to the writ petitioner under Sections 56 and 57 read with 85 of the Town and Country Planning Act, 1971, requiring to produce the approved plan order for verification to confirm whether the construction has been made after due permission under Section 49/47-A of the said Act or not and to stop the construction work being put up without obtaining permission, the Writ Petitioner, without giving any explanation whatsoever for the said notices and producing relevant documents showing the approved planning permission, cannot straight away approach this Court, challenging the said notices which is not legally permissible. Therefore, this Court is able to see that it is a pre-mature



attempt on the part of the writ petitioner, hence, the Writ Petition is not at all maintainable at all.

4. In the result, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natarajar Maligai,  
Gandhi Irwin Road, Egmore, Chennai-600 008.
- 2.The Commissioner,  
Greater Chennai Corporation,  
Rippon Building, Park Town, Chennai-600 003.
- 3.The Assistant Engineer,  
Greater Chennai Corporation,  
Zonal Office VIII,  
2<sup>nd</sup> Cross Street (East),  
Pulla Avenue, Shenoy Nagar,  
Chennai-600 030.
- 4.The Assistant Executive Engineer,  
Greater Chennai Corporation,  
Zonal Office VIII, 2<sup>nd</sup> Cross Street (East),  
Pulla Avenue, Shenoy Nagar,  
Chennai-600 030.

+1cc to M/s.T.K.S.Bharathy Anandraj, Advocate Sr No.43782

W.P.No.17813/2021

GP (CO)  
PR (22/09/2021)