



WEB COPY



W.P.No.2398 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P.No.2398 of 2023
AND
W.M.P.No.2488 of 2023

V.Bindhya

.. Petitioner

Vs.

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

2.The Assistant Engineer
Division-125
No.1, Lake Area, 4th Cross Street
Nungambakkam
Chennai 600 034

3.The Assistant Executive Engineer
Unit-25
No.1, Lake Area, 4th Cross Street
Nungambakkam
Chennai 600 034



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4.The Executive Engineer
Zone-9
No.1, Lake Area, 4th Cross Street
Nungambakkam
Chennai 600 034

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari, calling for the records in letter No. Zone-IX/DN-125/TPENF/017/2023 dated 10.01.2023 issued by the respondents 2, 3 and 4 for locking and sealing and demolition of CMDA approved, authorised building at door No.33, Virupaksheshwarar Koil Street, Mylapore, Chennai and to quash the same.

For Petitioner : Ms.Y.Kavitha
For Respondents : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

Writ Petition is filed seeking quashment of the Notice No. Zone-IX/DN-125/TPENF/017/2023 dated 10.01.2023 undersigned by the respondents 2, 3 and 4 for locking and sealing and demolition of a building at door No.33, Virupaksheshwarar Koil Street, Mylapore, Chennai.



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2. By consent of both the learned counsel appearing for the petitioner as well as Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents 1 to 4, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, her mother had purchased a residential house with ground floor building at old door No.11/1, new door No.33, Virupatcheswarar Koil Street, Mylapore *vide* Sale Deed document No.1294/1986 dated 22.08.1986 and her father also purchased a house in ground floor at old door No.11/2, new door No.35 in the same street by the Sale Deed document No.1983/1986 dated 14.11.1986. Subsequently, the petitioner's father obtained building permission and plan approval for the construction of first floor. The petitioner's father and mother died on 01.04.1998 and 30.07.2020, respectively. The petitioner is residing in her mother's property.

4. It is the case of the petitioner that first floor of her mother's property was approved and regulated by CMDA on 30.06.1988 and the



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second floor was also regulated with the proper approval and the order was signed by the Presidency Magistrate Court, Nungambakkam, Madras-34 in Case No.STC/3594/1988. It is her further case that no more construction was done in the said property after the year 1988 and only painting works were carried out during festive season. While so, to her shock and surprise, she was issued with the impugned notice dated 10.01.2023 for locking and sealing and demolishing her mother's property. Hence, the petitioner has come out with the present writ petition seeking quashment of the impugned notice.

5. The learned counsel appearing for the petitioner referred to the reply letter dated 19.01.2023 and submitted that the petitioner has also filed a revision under Section 80-A of the Town and Country Planning Act, 1971. He further submitted that without considering the explanation submitted by the petitioner on 02.11.2022, the impugned notice was issued by the Corporation authorities.



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6. Considering the above submission of the learned counsel for the petitioner and the explanation submitted by the petitioner, the respondents are directed to consider the petitioner's reply dated 19.01.2023, which was submitted along with necessary enclosures and pass orders in accordance with law within eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are restrained from taking any coercive steps.

With the above directions, the writ petition is disposed of.
No costs. Connected Miscellaneous Petition stands closed.

(V.M.V.,J.) (R.H.,J.)
30.01.2023

Internet : Yes / No
Neutral citation : Yes/No

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V.M.VELUMANI, J.
AND



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R.HEMALATHA, J.

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To

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