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W.P.No.7212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.7212 of 2023

and

W.M.P.No.7264 of 2023

S.Kavere

.. Petitioner

Vs.

1.Greater Chennai Corporation,
Rep. by Commissioner,
Ripon Building, 1st Floor, Raja Muthiah Rd,
Kannappar Thidal,
Periyamet,
Chennai – 600 003.

2.The Assistant Engineer,
Division 54, Ripon Building,
1st Floor, Raja Muthiah Rd,
Kannappar Thidal,
Periyamet,
Chennai – 600 003.

3.The Assistant Executive Engineer,
Unit – 13, Ripon Building,
1st Floor, Raja Muthiah Rd,
Kannappar Thidal,
Periyamet,
Chennai – 600 003.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the Respondents 2 and 3 dated 06.02.2023, bearing notice No.05/54/S/0009/2023 and quash the same and consequently forbear the Respondents or anybody on their behalf from initiating any coercive action of locking and sealing the building and interfering with the peaceful possession of the building.

For Petitioner : Mr.P.Giridharan

For R1 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The petitioner has come out with the present Writ Petition to quash the Stop Work Notice issued by the respondents 2 and 3 dated 06.02.2023, bearing Notice No.05/54/S/0009/2023 and consequently forbear the respondents or anybody on their behalf from initiating any coercive action of locking and sealing the petitioner's building and interfering with the peaceful possession of the building.



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2.By consent of learned counsel appearing for the petitioner and Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for 1st respondent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for 1st respondent and perused the entire materials on record.

4.According to petitioner, she is the absolute owner of the property situated at Door No.10/25, Krisnappa Tank Street, George Town, Chennai – 600 079, measuring to an extent of about 1414 sq.ft. She obtained building plan and approval from the 1st respondent on 21.05.2008 and constructed ground + 3 floors and is residing along with her family. While so, on 06.02.2023, she received a notice stating that the building is constructed in deviation from the approved plan and called upon the petitioner to stop the construction work. Hence, the petitioner has come out with the present Writ Petition.



5.The learned counsel appearing for the petitioner submitted that the construction put up by the petitioner is of the year 2008 and at present she has not put up any construction. The notice issued by the respondents 2 and 3 is arbitrary and prayed for allowing the Writ Petition.

6.From the materials on record, it is seen that the present impugned notice is issued under Sections 56(1) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, (Tamil Nadu Act, 35 of 1972 as amended by Act 61 of 2008). In view of the same, the petitioner is directed to submit her explanation along with all the documents under Section 56(3) of the Tamil Nadu Town and Country Planning Act, 1971, to the respondents and the respondents are directed to consider the explanation given by the petitioner along with all the documents submitted by her and pass orders within a period of four weeks from the date of receipt of a copy of this order. Till the applications are considered, decided and orders are passed, the respondents are restrained from taking any coercive steps against the petitioner.



W.P.No.7212 of 2023

WEB COPY

7. With the above directions, the Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (V.L.N., J)
09.03.2023

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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