



WEB COPY

W.P.No.11138 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.11138 of 2023

and

W.M.P.No.10999 of 2023

1.Dr.A.Pandurangan

2.V.Ramani Pandurangan

.. Petitioners

Vs.

1.Executive Engineer – II,
Zone – 13,
Greater Chennai Corporation,
Adyar, Chennai – 600 020.

2.Assistant Executive Engineer,
Unit – 40(A),
Greater Chennai Corporation,
Adyar, Chennai – 600 020.

3.Assistant Engineer,
Division – 175,
Greater Chennai Corporation,
Adyar, Chennai – 600 020.

.. Respondents

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 pertaining to the order passed by 1st Respondent vide Notice No:Div/175/004/2023 dated 10.03.2023, and quash the same and consequently direct the Respondents to afford an opportunity of personal hearing to enable the petitioners to produce the original planning permission and approved plan and submit their explanations and to consider the same and pass a reasoned order in accordance with law.

For Petitioners : Mr.J.Ravikumar

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

ORDER

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

The petitioners have come out with the present Writ Petition to quash the notice dated 10.03.2023 issued by the 1st respondent and for a direction to the respondents to afford an opportunity of personal hearing to the petitioners to produce the original planning permission and approved plan and submit their explanations, consider the same and pass order in accordance with law.

2.By consent of the learned counsel appearing for the petitioners as well as Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice



for the respondents, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing for the petitioners as well as the learned Standing Counsel appearing for the respondents and perused the entire materials on record.

4. According to petitioners, the 1st petitioner is the owner of the property comprised in RS.No.123, Plot No.R43, 7th Street, Tamil Nadu Housing Board (TNHB) Layout, Velachery Village, Velachery Taluk, measuring to an extent of 8575 sq.ft., who obtained the same through a settlement deed from the 2nd petitioner. The petitioners obtained the planning permission for proposed built-up area of 3360 sq.ft vide PPA/WDC10/02247/2007, dated 18.06.2007 for new construction, however, actual construction was put up only to an extent of 2890 sq.ft, which is well within the permitted built-up area and there is no deviation in the construction. Due to false complaint given by the neighbours of the petitioners against them, the respondents 2 & 3 issued stop work notice / notice calling approved plan dated 08.11.2022, to the petitioners to stop the work immediately within 15 days from the date of receipt of that



notice, failing which legal action will be taken against them. The petitioners submitted their explanation to the 1st respondent vide letter dated 23.11.2022, explaining that the existing building was constructed in the year 2007 itself and all taxes have been paid promptly. Further, the petitioners have requested time to furnish the approved plan copy, as the same was misplaced and the petitioners have confirmed in writing that no construction work was going on in the said property. The learned counsel appearing for the petitioners submitted that the petitioners have given reply dated 22.11.2022, to the respondents stating that the original planning permission and approved plan was lost. Now, the petitioners have got the original planning permission and approved plan and they will produce the same before the respondents.

5.Considering the above submissions made by the learned counsel appearing for the parties, the petitioners are directed to produce the original planning permission and approved plan before the respondents, within a period of two weeks from the date of receipt of a copy of this order. If no such planning permission and approved plan is produced before the respondents by the petitioners within two weeks, it is open to the respondents to take appropriate proceedings against the petitioners.



WEB COPY

W.P.No.11138 of 2023



6. With the above observations, the Writ Petition is disposed of.

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

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

12.04.2023

(2/2)

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE: Issue order copy on 18.04.2023.

To

1. Executive Engineer – II,
Zone – 13,
Greater Chennai Corporation,
Adyar, Chennai – 600 020.

2. Assistant Executive Engineer,
Unit – 40(A),
Greater Chennai Corporation,
Adyar, Chennai – 600 020.

3. Assistant Engineer,
Division – 175,
Greater Chennai Corporation,
Adyar, Chennai – 600 020.



WEB COPY



W.P.No.11138 of 2023

V.M.VELUMANI, J.
and

V.LAKSHMINARAYANAN, J.

krk

W.P.No.11138 of 2023

12.04.2023

(2/2)