



WP No.24082 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.24082 of 2023
and WMP No.23562 of 2023

R.Kaliammal

Rep. by Power Agent, C.Subramaniam

.. Petitioner

-VS-

1. State of Tamilnadu,
Rep. by Secretary to Government,
Housing and Urban, Fort St. George.

2. Regional Deputy Commissioner (South),
Chennai Corporation, LB Road,
Adyar, Chennai 600 020.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for records of impugned notice issued on 05.05.2023, by the Zonal Deputy Commissioner (South) Chennai Corporation vide Zone-XII/U37/spl/ 2023 on the file of the second respondent, Greater Chennai Corporation Zone-XII and to quash the same and to further forbear the second respondent from commencing any further proceedings in pursuance of the above said impugned notice.

For the Petitioner : Mr.J.R.K.Bhavanantham



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For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Govt. Pleader, for R-1
: Mr.A.Arun Babu
Stdg. Counsel for R-2
* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.J.R.K.Bhavanantham, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for the first respondent and Mr.A.Arun Babu, learned counsel for the second respondent.

2. The petitioner is challenging the notice under Section 220 of the Chennai City Municipal Corporation Act, 1919.

3. According to the learned counsel for the petitioner, the construction of the petitioner is not on the road or pathway. No opportunity was given to the petitioner before the said notice was issued.

4. Relying upon the submission of the learned counsel for the



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petitioner that prior to the notice under Section 220 of the said Act no opportunity was given, we pass the following order:-

- a) The impugned notice dated 05.05.2023 shall be construed as a show cause notice;
- b) The petitioner shall file reply to the same within ten days from today;
- c) If reply is filed by the petitioner within ten days from today, then the respondents shall consider the reply filed by the petitioner and pass fresh orders on its own merits and in accordance with law;
- d) If the petitioner fails to file reply within ten days, then the respondents can proceed further.

With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

sra

THE HON'BLE CHIEF JUSTICE



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AND
P.D.AUDIKEVALU, J.

(sra)

To

1. The Secretary to Government of Tamilnadu,
Housing and Urban, Fort St. George, Chennai.
2. The Regional Deputy Commissioner (South),
Chennai Corporation, LB Road,
Adyar, Chennai 600 020.

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