



WEB COPY



WP No.24536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

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

AND

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

WP No.24536 of 2023
and WMP Nos.23951, 23952 and 26251 of 2023

R.Syed Sajid Ahmed

... Petitioner

-vs-

1. State of Tamil Nadu,
Rep by its Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Secretariat,
Chennai-600 009.

2. The Chennai Metropolitan Development
Authority (CMDA),
Rep by its Member-Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3. The Regional Deputy Commissioner, (South),
Corporation of Chennai – Zone-XII,
Lattice Bridge Road (L.B.Road),
Adyar, Chennai-600 020.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the impugned Notice vide Zone-XII/U-37/Spl/2023 dated 05.05.2023 issued by the 3rd respondent and quash the same.

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For the Petitioner : Mr.C.Samivel
For the Respondents : Mrs.R.Anitha,
Special Govt. Pleader, for R-1
: Ms.C.N.Vinobha for R.2
: Mr.E.C.Ramesh for R.3
: Ms.P.Rajalakshmi
Proposed implead party

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.C.Samivel, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader, for the first respondent, Ms.C.N.Vinobha, learned counsel for the second respondent and Mr.E.C.Ramesh, learned counsel for the third respondent.

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

3. It is submitted that the Tamil Nadu Urban Local Bodies Act, 1998 has come into force since April 2023. As per Section 128(1)(b)



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of the said Act, show cause notice is contemplated. In light of that, we pass the following order.

4. The impugned notice shall be construed as the show cause notice to the petitioner. The petitioner shall file reply along with all documents on which the petitioner relies within ten days from today. The respondent authorities shall consider the reply and the documents that will be filed by the petitioner and take decision with regard to the alleged encroachment or otherwise. Depending upon the decision taken, the parties may take further steps.

The writ petition is accordingly disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(sra)

To

1. The Secretary to Government of Tamil Nadu,
Housing & Urban Development Department,
Fort St.George, Secretariat, Chennai-600 009.
2. The Member-Secretary,
Chennai Metropolitan Development Authority (CMDA),
No.1, Gandhi Irwin Road, Egmore, Chennai-600 008.
3. The Regional Deputy Commissioner, (South),
Corporation of Chennai – Zone-XII,
Lattice Bridge Road (L.B.Road), Adyar, Chennai-600 020.

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