



W.P.No.28100 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE N.MALA**

W.P.No.28100 of 2017

G.Vaithiyalingam

..Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
2. The Zonal Executive Engineer,
Corporation of Chennai,
Zone X,
No.64, N.S.K.Salai,
Kodambakkam,
Chennai - 600 0024.
3. The Assistant Executive Engineer,
Unit 29,
Corporation of Chennai,
Kodambakkam,
Chennai - 600 024.
4. The Assistant Engineer,
Division No.129,



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Corporation of Chennai,
Saligramam,
Chennai - 600 093.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed in Notice No.Z.O.X/C.No.16346/2017 dated 24.10.2017 on the file of the 2nd respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.G.T.Subramaniam
Standing Counsel for Corporation

ORDER

This Writ Petition has been filed challenging the notice under Sections 56 and 57 read with Section 85 of the Tamilnadu Town and Country Planning Act, 1971, directing the petitioner to remove the unauthorized construction within 30 days from the date of receipt of the notice, failing which, action will be taken for lock and seal and for demolition of the building.

2. It is represented by the learned counsel for the petitioner that he had filed an appeal and the same is pending before the authorities.



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3. When a specific question is put forth by this Court to the learned counsel for the petitioner, as to whether he has proof for filing the appeal, he has no proper answer.

4. Considering the facts and circumstances of the case, we are of the view that an opportunity may be given to the petitioner. Therefore, the petitioner is directed to file an appeal afresh before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Appellate authority is directed to dispose of the appeal on merits and in accordance with law within a period of four weeks thereafter.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (N.M., J.)
25.07.2023

Index : Yes / No
Internet : Yes
vsi

To

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J. NISHA BANU, J.
and
N.MALA,J.

vsi

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