



WP.No.10048/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.10048/2023 & WMP.No.10093/2023

P.Sathish

... Petitioner

Vs.

- 1.The Member Secretary
Chennai Metropolitan Development Authority
Chennai 600 008.
- 2.The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai 600 003.
- 3.The Executive Engineer
Zone 13, Greater Chennai Corporation
Adyar, Chennai 600 020.
- 4.Assistant Engineer
Division 173, Part 40
Zone 13, Greater Chennai Corporation
Adyar, Chennai 600020.



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5. Additional Secretary [Technical]
Housing & Urban Development Department
Secretariat, Chennai 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the entire records pertaining to the Notice in MA 13 Na.Ka.No.--/2023 dated 27.03.2023 issued by Assistant Engineer, the 4th respondent herein and quash the same as illegal, consequently direct the respondents 2 to 4 herein to conduct a fresh enquiry as per the order dated 13.02.2023 in Letter NO.23656/UD-VII[1]/2015-6 passed by the 5th respondent in accordance with law pertaining to the property at No.64/3, LB Road, Thiruvanmiyur, Chennai 600 041.

For Petitioner	: Mr.C.Umashankar
For RR 2 to 4	: Mr.D.B.R.Prabhu, Standing counsel
For R5	: Mr.R.Kumaravel, AGP

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1) The present writ petition has been filed by the petitioner seeking to quash the order of the 4th dated 27.03.2023 and to direct the respondents 2 to 4 to conduct a fresh enquiry as per the order dated 13.02.2023 in Letter



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NO.23656/UD-VII[1]/2015-6 passed by the 5th respondent in accordance with law pertaining to the property at No.64/3, LB Road, Thiruvanimiyur, Chennai 600 041.

(2) Short facts which are admitted are sufficient to dispose of this writ petition with directions.

(3) As against the petitioner, originally, proceedings were initiated for unauthorised construction. A Lock and Seal Notice dated 12.03.2014 was issued with a tabular statement showing the deviations in respect of setback violations and other minor deviations. As against the said order, a revision petition was filed by the petitioner. While disposing of the revision petition, the 5th respondent has observed that the deviations noted by the officials in the impugned notice are not proper and therefore, a direction was issued to rectify the short comings in noting down the deviations in the building, contrary to the approved plan. Therefore, the revision petition was allowed by setting aside the Lock and Seal notice and the De-occupation Notice issued by the official respondents on 12.03.2014 and 06.11.2015 respectively.



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(4) Pursuant to the order passed by the 5th respondent, fresh proceedings have been initiated by the official respondents and the 4th respondent has issued the impugned notice dated 27.03.2023 recording statements which are wrong. In terms of the order passed by the 5th respondent while disposing of the revision petition, this Court is unable to sustain the impugned notice dated 27.03.2023.

(5) Hence, the writ petition stands **allowed** and the impugned notice dated 27.03.2023 which is not in consonance or which is not in compliance of the directions of the 5th respondent, is improper and hence, set aside. However, liberty is given to the 4th respondent to issue fresh notice after making inspection in the presence of the petitioner and specifying the details of the deviations with reference to the approved plan. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
15.03.2024

AP

Internet : Yes



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and
N.SENTHILKUMAR, J.,

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