



WP No.13300 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2024

CORAM

THE HON'BLE MR.JUSTICE **G.R.SWAMINATHAN**

AND

THE HON'BLE MR.JUSTICE **P.B.BALAJI**

WP No.13300 of 2024
and WMP No.14448 of 2024

E.Sundharesan : Petitioner

versus

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai 600 003.

2. The Assistant Engineer,
Division 184, Unit 41, School Road,
Perungudi, Chennai 600 096.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for entire records pertaining to the impugned Notice Division No.184/08/2024 dated 19.02.2024 issued by the 2nd Respondent and quash the same.

For Petitioner : Mr.C.Umashankar

For Respondent No.1 : Mr.E.C.Ramesh,
Standing Counsel



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ORDER

(Made by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The respondents have issued notice to the petitioner for demolition on the ground that the construction put up by the petitioner is unauthorised.

3. The petitioner has come up with a strange defence that the petitioner had already obtained building construction approval but the said approval order has been washed away during the Chennai floods.

4. We are not in a position to accept this defence. The burden is on the petitioner to produce the approval order. All that we can do is to call upon the respondents to defer the demolition action for a period of twelve weeks. It is for the petitioner to move the authorities concerned for obtaining approval for the building or seek regularisation. If the petitioner fails to obtain an order during this period, it is open to the respondents to



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proceed with the impugned action.

5. Granting such a breathing time to the petitioner, the writ petition is disposed of. There shall be no order as to costs. Consequently, WMP. No.14448 of 2024 is closed.

(G.R.S., J.) (P.B.B., J.)
22.05.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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G.R.SWAMINATHAN, J.
and

P.B. BALAJI, J.

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