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W.P.No.1747 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

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

W.P.No.17847 of 2024 and
W.M.P.No.19590 of 2024

Mrs.Sandra Pushparajan

... Petitioner

-VS-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, No.1131,
EVR Periyar Salai, Park Town,
Chennai, Tamil Nadu-600 003.
2. The Executive Engineer,
Greater Chennai Corporation (Zone-X),
No.117, NSK Salai, Kodambakkam,
Chennai-600 024.
3. The Assistant Executive Engineer,
Greater Chennai Corporation (Zone-X),
No.117, NSK Salai, Kodambakkam,
Chennai-600 024.
4. The Assistant Engineer,
Greater Chennai Corporation (Zone-X),
No.117, NSK Salai, Kodambakkam,
Chennai-600 024.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for all the records on the file of the



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Respondents 2 to 4, which culminated in notice bearing No.U29/5173/2024 dated 06.05.2024, followed by impugned notice No.Z10/5173/2024 dated 18.06.2024 and quash the same.

For Petitioner : Mr.C.Johnson

For Respondents : Mr.A.Arun Babu
Standing Counsel

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed, challenging the notice bearing No.U29/5173/2024 dated 06.05.2024, followed by impugned notice No.Z10/5173/2024 dated 18.06.2024, by which, while instructing the petitioner to produce the approval plan, subsequently, the petitioner was asked to restore the land to its original condition, as otherwise, the building would be kept under lock and seal.

2. It is the case of the petitioner that though she had obtained proper plan approval as early as on 12.11.1991 and developed the property only after getting necessary approval from the then Corporation of Madras, the respondents proceeded to issue notice of lock and seal dated 18.06.2024 without bothering about the reply given by the petitioner.

3. Learned Standing Counsel appearing for the respondents drew our



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attention to the counter affidavit filed by the 2nd respondent, wherein in Paragraph Nos.6

& 7, it has been stated as follows:

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“6. I respectfully submit that the officials of Greater Chennai Corporation submitted the above said notice to the Vigilance Inspector-II on 08.05.2024. Even after receiving the Notice for production of documents, the Writ Petitioner failed to produce necessary plan documents. Hence, the officials of Greater Chennai Corporation again inspected the suit site on 11.06.2024 and issued Notice for the removal of unauthorized construction as per G.O.(MS) No.195 on 18.06.2024.

7. I respectfully submit that even after receiving the above said notices, the Writ Petitioner failed to produce necessary Building Plan. The above said case came up for hearing on 29.07.2024 and adjourned to 12.08.2024. After getting due orders from the Hon'ble High Court, further necessary action will be taken as per due process of law.”

4. A reading of the aforesaid counter affidavit reveals that the petitioner has not obtained any plan approval from the Corporation and therefore, the challenge to the Notice is unsustainable. According to the petitioner, she is in possession and enjoyment of the property in question and therefore, one more opportunity is afforded to the petitioner to appear before the 2nd respondent in-person within one week from the date of receipt of a copy of this order and produce all relevant documents to the 2nd respondent, including building plan approval. On receipt of documents, the 2nd respondent is directed to scrutinize the same and take appropriate decision by passing necessary orders within a period of two weeks thereafter. It is made clear that in case

HON'BLE ACTING CHIEF JUSTICE,
AND



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P.B.BALAJI,J.,

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the 2nd respondent comes to the conclusion that there is no approval granted in favour of the petitioner, there is no impediment for the 2nd respondent to proceed in accordance with law as per the order / notice impugned herein without any further notice to the petitioner.

5. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.]

[P.B.B,J.]

27.08.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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