



W.P.No.24852 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM :

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

AND

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

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1. VINOTH KUMAR
2. DIVYA

.. Petitioners

Vs

1. THE SECRETARY
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
SECRETARIAT, CHENNAI.
2. THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
EGMORE, CHENNAI.
3. THE COMMISSIONER
GREATER CHENNAI CORPORATION,
RIPON BUILDINGS, CHENNAI.
4. THE EXECUTIVE ENGINEER
ZONE VI (THIRU-VI-KA NAGAR)
NO.5, ANDERSON ROAD,
AYANAVARAM, CHENNAI.
5. THE ASSISTANT EXECUTIVE ENGINEER
UNIT-17, DIVISION-76,
GREATER CHENNAI CORPORATION NO.5,
ANDERSON ROAD, AYANAVARAM,
CHENNAI.



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6. THE ASSISTANT ENGINEER
DIVISION-76, GREATER CHENNAI CORPORATION,
CONRON SMITH NAGAR, NEAR CR GARDEN,
PART STREET, CHENNAI.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records of notice dated 15.07.2024 in proceedings No.Notice No.Div-76/Unit-17/041/234 on the file of respondent No.4 to 6 and quash the same.

For the Petitioners	: Mr.K.Myilsamy
For Respondents	: Mr.K.Karthik Jagannath Government Advocate for 1 st respondent
	: Mr.R.Thamaraiselvan Standing Counsel for 2 nd respondent
	: Mr.E.C.Ramesh Standing Corporation for respondents 3 to 6

ORDER
(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Calling in question the legality of the notice dated 15.7.2024 issued by the respondent/Corporation requiring the petitioners to



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demolish the unauthorised portion of the building constructed by them, the present writ petition is filed.

2. Learned counsel for the petitioners submits that the first petitioner herein had earlier filed W.P.No.27128 of 2021 challenging the lock and seal notice issued by the respondent/Corporation and, by order dated 20.12.2021, this Court had directed the fifth respondent therein to dispose of the revision on merits, after affording an opportunity of hearing to the first petitioner. While considering the revision, the fifth respondent therein set aside the lock and seal notice and directed the respondent/Corporation to follow the procedure contemplated under law.

3. It is further submitted that the respondent/Corporation had once again issued the stop work notice dated 12.6.2024, to which the petitioners sent their reply/explanation on 18.6.2024, but without considering the said explanation wherein it is specifically pleaded that the petitioners obtained approval for the construction way back in 1986, the respondent/Corporation passed the



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impugned order dated 15.7.2024 requiring the petitioner to demolish the unauthorised portion of the construction. Inasmuch as the explanation of the petitioners has not been considered, learned counsel submits that the action of the respondent/Corporation reeks of mala fide and is in crass violation of the rudimentary principles of natural justice.

4. Learned counsel for the respondent/Corporation submitted that the explanation of the petitioners shall be considered on merits and in accordance with law, and appropriate orders shall be passed within a time frame.

5. Considering the aforesaid submissions, we pass the following orders:

- (i) The impugned order dated 15.7.2024 is set aside and the matter is remanded to the respondent/ Corporation;
- (ii) The respondent/Corporation shall consider the explanation submitted by the petitioners on



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18.6.2024 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order; and

(iii) If, eventually, any deviation from the approved plan is found, then the respondent/Corporation is at liberty to take necessary action in accordance with law.

The writ petition is allowed with the aforesaid directions. There shall be no order as to costs. W.M.P.No.27201 of 2024 is ordered. W.M.P.Nos.27203 and 27204 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B, J.)
30.08.2024

Index : Yes/No
NC : Yes/No
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To:

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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