



W.P.No.28586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.28586 of 2024

Sulochana

.. Petitioner

Vs

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008.

2.Prithika Modi

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of ceriorari calling for the records relating to the notice issued by the first respondent in Notice No.EC/S-I/155/2024 dated 27.8.2024 quash the same.

For the Petitioner : Mr.V.Elangovan

For the Respondents : Mr.C.Manoharan
Standing Counsel
for respondent No.1



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ORDER

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

Heard Mr.V.Elangovan, learned counsel for the petitioner and
Mr.C.Manoharan, learned Standing Counsel for the first respondent.

2. Challenging the impugned notice dated 27.8.2024 issued by
the first respondent, calling upon the petitioner to comply with the
planning permission in respect of the unauthorised development
carried out at the site in question, the petitioner has filed the present
writ petition.

3. Admittedly, there is deviation in the construction carried out
by the petitioner. The impugned notice has been issued to the
petitioner calling upon her to rectify the deviation or to obtain revised
planning permission for the construction made at the site. Without
rectifying the deviation or approaching the authority for revised
planning permission, the petitioner has straightaway filed the writ
petition.



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4. Learned counsel for the petitioner submitted that after the receipt of impugned notice, a representation has been submitted to the first respondent on 10.9.2024 seeking regularisation of the deviation and the said representation has not been considered till date.

5. Mere sending representation to the first respondent seeking to regularise the deviation is not the procedure as contemplated under the Act. It is for the petitioner to approach the first respondent in the manner known to law. In view of the above, we are not inclined to entertain the present writ petition.

6. The writ petition is dismissed. However, it is open to the petitioner to approach the first respondent in the manner known to law or remove the deviation pointed out in the impugned notice. There shall be no order as to costs. Consequently, W.M.P.Nos.31171 and 31172 of 2024 are closed.

(D.K.K., ACJ.) (M.J.R., J.)
25.09.2024

Index : Yes/No
NC : Yes/No
bbr



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To:

The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008.



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AND
M.JOTHIRAMAN,J.

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