

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 30.03.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.3795 of 2007
& M.P.No.1 of 2007

P.Pattu Jabaraj ... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-3.

2.The Chairman-cum-Managing Director,
CMDA, Chennai-8.
(R2 impleaded as per order dated
8.2.2007 by PSJ&NPVJ in MP.2/07
in WP.3795/07)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the proceedings of the respondent in No.Z.O./VIII C.No.Dn.126/6979/2006 dated 09.01.2007 and quash the same.

For Petitioner	: Mr.Suresh kumar
For 1 st Respondent	: Mr.V.Bharathidasan
For 2 nd respondent	: Mr.J.Ravindran

ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

Aggrieved by the proceedings of the first respondent. Commissioner, Corporation of Chennai, dated 09.01.2007, the petitioner has filed the present writ petition.

2. After filing the writ petition, the petitioner has impleaded the Member Secretary, CMDA, as the second respondent.

3. Heard all the parties.

4. Though in paragraph 3 of the impugned proceedings, it is stated by the Zonal Officer-VIII, Corporation of Chennai, that they have initiated action and issued notices under Section 256 (1) and 92) of Chennai City Municipal Corporation Act, 1919, on 14.05.1999 and his regularisation application was rejected by the CMDA, it is the grievance of the petitioner that till this date, he has not received any such order as claimed in the said paragraph. In order to verify the same, the matter was adjourned on several occasions.

5. The learned counsel appearing for the CMDA has produced the register which shows that though the copy of the rejection order is not available in the file, the said order was acknowledged by the petitioner.

6. In view of the specific assertion by the petitioner that he has not received the copy of the rejection order and in the absence of even office copy of the same in the file of the CMDA, in order to solve the issue, we direct the Member Secretary, CMDA, the second respondent herein, to pass fresh order on the basis of the materials supplied by the petitioner vide notes on hearing conducted at DP, EC (Central) on 19.06.2006 dated 19.06.2006, in one way or other, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. The writ petition is ordered accordingly. No costs. M.P.No.1 of 2007 is closed.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-3.

2.The Chairman-cum-Managing Director,
CMDA, Chennai-8.

+1 cc to M/s.M.Suresh Kumar, Advocate sr.No.20793.

+1 cc to M/s.V.Bharathidasan, Advocate Sr.No.20727.

+1 cc to M/s.J.Ravindran, Advocate Sr.No.20721.

AVM(CO)

dcp/13.4.07

W.P.No.3795 of 2007