

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.30763 of 2014

T. Sri Hari Kumar Bhagavat

Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 The Regional Deputy Commissioner
Corporation of Chennai,
Door No.36B, II Cross Street
Corporation of Chennai
Pulla Avenue
Shenoy Nagar
Chennai 600 030

3 V. Balaraman

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to dispose of the petitioner's representation dated 08.09.2014 to demolish the unauthorised construction put up by the third respondent in Old No.25, New No.34, Thanikachalam Road, T. Nagar, Chennai 600 017.

For petitioner Mr. Srenik S Jain

For RR 1 & 2 Mr. P.H. Arvind Pandian
Additional Advocate General
assisted by Mr. R. Arunmozhi

For R3 Mr. R. Thirugnanam

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the parties, the writ petition is taken up for final disposal.

2 The petitioner, stated to be a resident of the neighbouring area, has preferred this writ petition, seeking a direction to the respondents 1 and 2 to consider and dispose of his representation dated 08.09.2014 in respect of alleged unauthorised and illegal construction made by the third respondent at Old No.25, New No.34, Thanikachalam Road, T. Nagar, Chennai 17.

3 Pursuant to the notice dated 25.11.2014 of this Court, the second respondent has filed counter affidavit stating that having noticed the illegal construction, the authorities have issued a stop work notice on 11.01.2010 and thereafter, issued a notice on 19.01.2015, calling for submission of approved plan on site inspection, followed by locking, sealing and demolition notice dated 23.02.2015. Subsequent thereto, de-occupation notice was issued to all the tenants residing in the said premises on 04.03.2015, calling upon them to dis-continue the occupation of the premises within 7 days. Ultimately, the entire premises at Old No.25, New No.34, Thanikachalam Road, T. Nagar, Chennai 17, has been locked and sealed on 04.07.2015, after providing an opportunity of hearing to the occupants/owner of the premises in question.

4 In view of the above backdrop, we are not inclined to keep this writ petition pending and accordingly, we close this writ petition. However, we make it clear that the authorities are under an obligation to take consequential action, as contemplated under the provisions of law to ensure that each and every building is in accordance with the approved plan.

5 It is stated by the third respondent that against the last notice, an appeal has been preferred before the Appellate Authority.

6 We do not express any observation in that respect. It is for the third respondent to pursue his remedy in the manner known to law. Costs made easy.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 The Regional Deputy Commissioner
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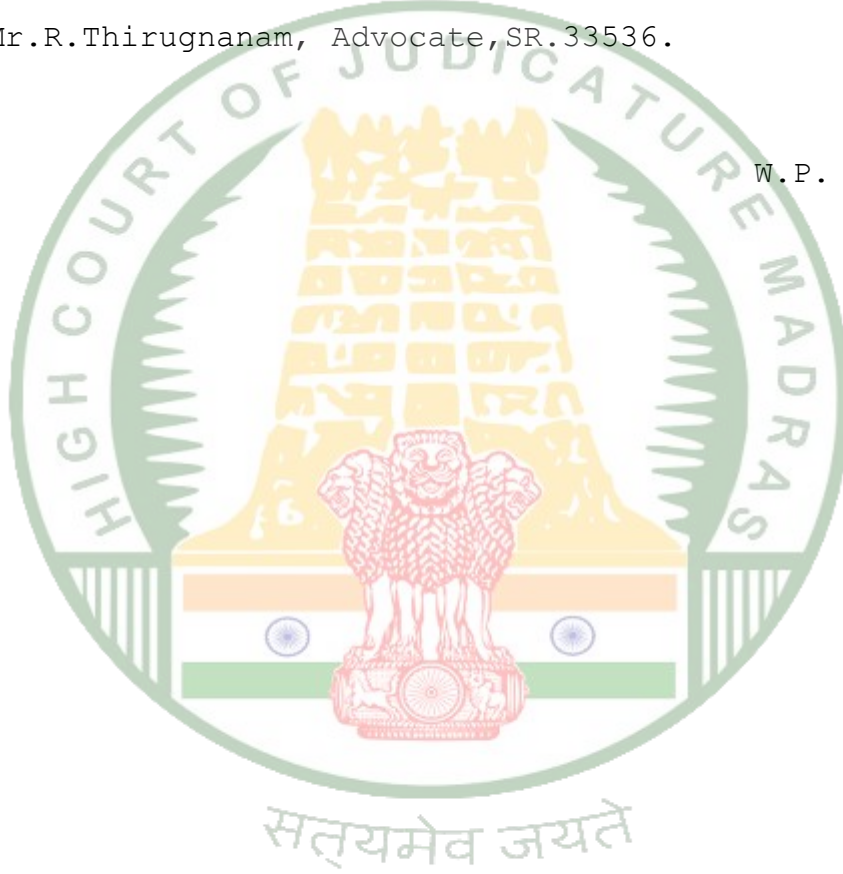
+1 cc to Mr.P.Subha Reddy, Advocate,SR.33745

+1 cc to M/s.R.Arunmozhi, Advocate,SR.33738

+1 cc to Mr.R.Thirugnanam, Advocate,SR.33536.

Br(co)
krd 15/7

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