

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

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

W.P.No.10734 of 2015
and
MP.No.1 of 2015

J. Thirukumaran .. Petitioner

Vs.

1 The Chennai Metropolitan Development
Authority, rep. By its Member Secretary,
Thalamuthu Natarajan Buildings,
No.1 Gandhi-Irvin Road,
Egmore, Chennai 600 008.

2 The Commissioner,
Kundrathur Panchayat Union at Padappai,
Sriperumbudur Taluk,
Kancheepuram District.

3 The Village President,
Kolapakkam Village Panchayat,
Kolappakkam Village,
Chennai 600 122.

4 D. Ramani

5. D. Sudhakaran .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the second respondent to consider the petitioner's representation dated 20.12.2014 along with the first respondent's Letter No.EC/C1/ 19252/2014 dated 5.3.2015 to the second respondent and pass orders on the same with respect to restoration of the house-site, comprised in Grama Natham Old Survey No.191/2 and Grama Natham New Survey No.412/5 covered by Patta No.231 of Village No.79 Kolapakkam Village, Sriperumbudur Taluk of the District Kancheepuram to its original condition before the building developments took place therein under Section 85 of Tamil Nadu Town and Country Planning Act 1971 and the Rules made thereunder.

For Petitioner : Mr. B. Dayaalan

For Respondents : Mr. K. Raja Srinivas - R1

Mr. P. Sanjay Gandhi - R2 & R3

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ORDER

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

The petitioner seeks a direction to consider his representation dated 20.12.2014 along with the first respondent's Letter No.EC/C1/19252/2014 dated 5.3.2015 to the second respondent and pass orders on the same with respect to restoration of the house-site, comprised in Grama Natham Old Survey No.191/2 and Grama Natham New Survey No.412/5 covered by Patta No.231 of Village No.79 Kolapakkam Village, Sriperumbudur Taluk of the District Kancheepuram to its original condition before the building developments took place therein under Section 85 of Tamil Nadu Town and Country Planning Act, 1971 and the Rules made thereunder.

2. On a perusal of the documents, we notice that on receipt of the petitioner's representation dated 20.12.2014, the first respondent had already sent a complaint to the second respondent with a request to take necessary enforcement action on the construction said to have been made or in progress. It appears that after receipt of the copy of the complaint under covering letter dated 05.03.2015, no action has been taken. Thus, the second respondent is directed to take action as early as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order, after affording proper opportunity of hearing to all the concerned parties. It is further directed that the first respondent, who is represented through Mr.Raja Srinivas, learned Standing Counsel, shall take further steps to ensure that the second respondent acts seriously in accordance with law and on merits.

3. This writ petition is disposed of with the above directions. Consequently, M.P.No. 1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Buildings,
No.1 Gandhi-Irvin Road,
Egmore, Chennai 600 008.

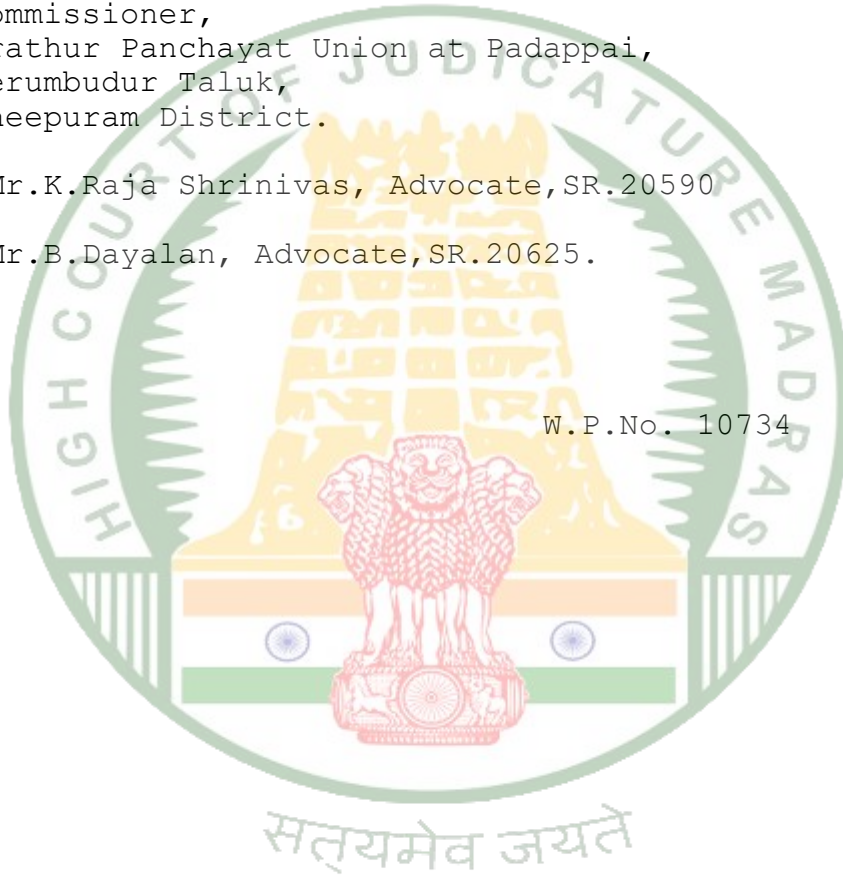
2 The Commissioner,
Kundrathur Panchayat Union at Padappai,
Sriperumbudur Taluk,
Kancheepuram District.

+1 cc to Mr.K.Raja Shrinivas, Advocate,SR.20590

+1 cc to Mr.B.Dayalan, Advocate,SR.20625.

cnr(co)
krd 28/4

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