

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 04-02-2015

Coram

The Honourable Mr. Justice SATISH K. AGNIHOTRI

and

The Honourable Mr. Justice M. VENUGOPAL

W.P.No.1212 of 2015

1 M.P.Aravinda
W/o.N.Manavalan N.No.15/3 2nd Floor Gulam
Abbas Alikhan 9th Street Thousand Lights
Chennai-6 Petitioner

Vs

1 The Commissioner
Corporation of Chennai
Chennai-3

2 The Executive Engineer
Zone 7 Corporation of Chennai Near
Nungambakkam Stadium Lake Area Chennai-34

3 The Member Secretary
Chennai Metropolitan Development Authority
(CMDA) No.1 Gandhi Irwin Road Egmore
Chennai-8

4 P.Dhakshinamurthy सतयमेव जयते
S/o.Late.D.Purushothaman O.No.19 New No.45
Aziz Mulk 3rd Street Thousand lights
Chennai-6 Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to take necessary action in furtherance of Letter No. EC/CCW2/ N & C/Ptn/5304/2013 dated 10.5.2013 sent by the 3rd respondent and remove the unauthorised construction of 5 floors in the building premises bearing old No.19 New No.45 Aziz Mulk 3rd Street Thousand Lights Chennai-600 006 belonging to the 4th respondent

For petitioner : Mr. P. Dhananjayan
For respondents : Mr. A. Nagarajan for RR1 & 2
Mr. N. Sampath for R3
Mr. D.S. Rajasekaran for R4

JUDGMENT

(Judgment was delivered by SATISH K. AGNIHOTRI, J.)

The only limited relief sought for in this petition is a direction to the first and second respondent to take necessary action in consequence of letter No.EC/CCW2/N & C/Ptn/5304/2013 dated 10-05-2013.

2. The first respondent has filed a counter affidavit in response to the notice dated 27-01-2015 has observed as under:

"It is submitted that the Executive Engineer has stated that on 27-01-2015 the Corporation of Chennai has issued notice calling for approved plan under section 56 and 57 read with section 85 of Tamil Nadu Town and Country Planning Act 1971 to the fourth respondent Thiru.P.Dhatchanamurthy. Since the fourth respondent failed to produce the sanctioned plan copy as per the notice, hence, further notice for locking and sealing was issued on 31.01.2015 as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971. Further action pursuant to this notice will be taken as per the provisions of Tamil Nadu Town and Country Planning Act 1971."

3. It appears that the first respondent had already initiated action by issuing lock and seal notice dated 31-01-2015 under Section 56 read with Section 85 Tamil Nadu Town and Country Planning Act 1971. At this stage, no further direction is required. We direct the parties to take consequential follow up action in accordance with law and on its own merits. The writ petition is disposed of accordingly. No costs. Consequently, the miscellaneous petition, M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

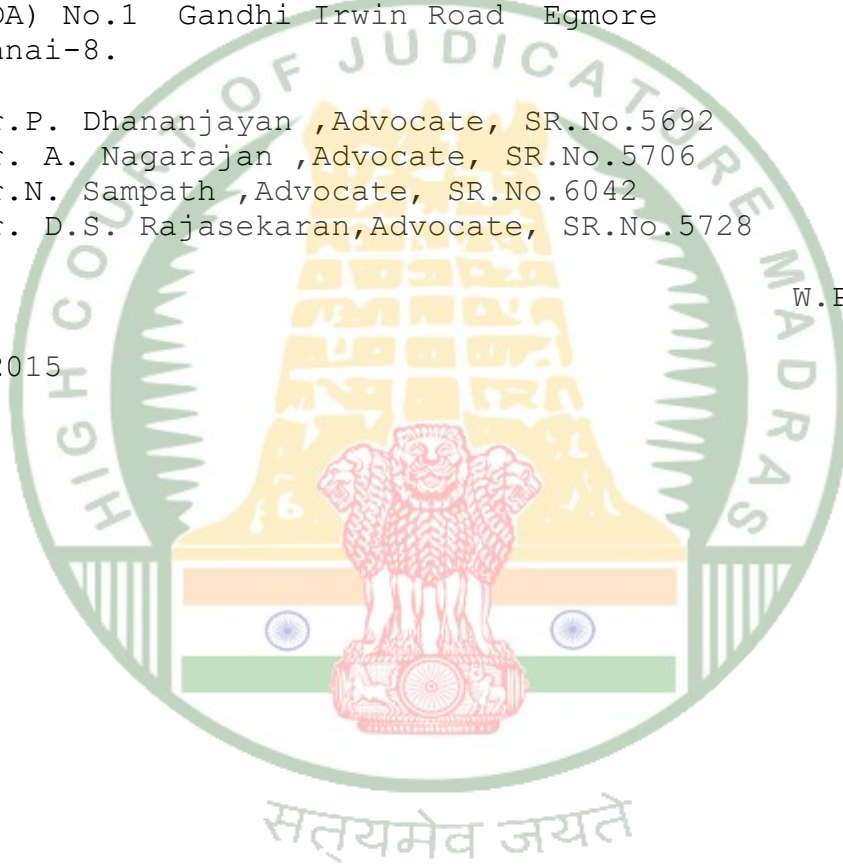
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To

- 1 The Commissioner
Corporation of Chennai
Chennai-3
 - 2 The Executive Engineer
Zone 7 Corporation of Chennai Near
Nungambakkam Stadium Lake Area Chennai-34
 - 3 The Member Secretary
Chennai Metropolitan Development Authority
(CMDA) No.1 Gandhi Irwin Road Egmore
Chennai-8.
- 1 cc to Mr.P. Dhananjayan ,Advocate, SR.No.5692
1 cc to Mr. A. Nagarajan ,Advocate, SR.No.5706
1 cc to Mr.N. Sampath ,Advocate, SR.No.6042
1 cc to Mr. D.S. Rajasekaran,Advocate, SR.No.5728

W.P.No.1212 of 2015

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