

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.13020 of 2015
and
M.P.No.1 of 2015

G.Kumud Jhabakh

Petitioner

Vs.

1.The Chairman-cum-Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1,Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Rippon Building, Park Town,
Chennai-600 003.

3.The Executive Engineer,
Corporation of Chennai,
Zone 5, No.61, Moolakothalam,
Chennai-600 021.

4.Akshya.H

5.Deepak Kumar.D.

Respondents

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to take appropriate action for the unlawful construction of the superstructure in violation of the sanctioned plan No.D7/3857/2012 and D7/0192/2012 dated 19.01.2012 with respect to the property belonging to 4th and 5th respondents situated at Old No.3/1, (3) New No.7/1, Church Lane, Ritherdon Road 3rd Lane, Vepery, Chennai-600 007.

For petitioner : Mr.M.L.Ramesh

For Respondents : Mr.K.Raja Srinivas for R-1
Mrs.Karthikaa Ashok for RR2 and 3
Mr.P.Ramanathan for
Mr.R.Mohan for R-4
Mr.D.Saikumaran for R-5

ORDER

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

The instant petition is filed for a direction to the official respondents 1 to 3 to take action against the unlawful construction of superstructure in violation of the sanctioned plan No.D7/3857/2012 and D7/0192/2012 dated 19.01.2012 with respect to the property belonging to 4th and 5th respondents situated at Old No.3/1(3), New No.7/1, Church Lane, Ritherdon Road 3rd Lane, Vepery, Chennai-600 007.

2 According to the petitioner, the fourth respondent has constructed several floors without having any sanction in total deviation of the sanctioned plan. The respondent authorities issued a stop work notice on 17.02.2014, calling upon the fourth and fifth respondents to stop the work forthwith as being unauthorised. The petitioner was informed under the provisions of the Right To Information Act that respondents 4 and 5 were granted sanction only for parking plus two floors, but they had proceeded beyond second floor.

3 In response to our notice, the third respondent has filed a report dated 3rd August, 2015, submitting that the occupants of unauthorised third and fourth floors had vacated the premises and the same has been sealed and locked on 8th August, 2015 and further consequential action shall be taken in accordance with law.

4 In view of the foregoing, the learned counsel for the petitioner submits that no further direction is necessary at this stage.

5 Resultantly, the writ petition is disposed of with a direction to the respondent authorities to take further necessary

action as required under the provisions of law. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vvk

To

1.The Chairman-cum-Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1,Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Rippon Building, Park Town,
Chennai-600 003.

3.The Executive Engineer,
Corporation of Chennai,
Zone 5, No.61, Moolakothalam,
Chennai-600 021.

+1 CC to Mr.R.Mohan & P.Ramanathan, Advocates, sr.41568
+1 cc to Mr.D.Saikumaran, Advocate, sr.42188
+1 cc to Mr.K.Vaidhyanathan, Advocate, sr.41962
+1 cc to Mr.K.Raja Shrinivas, Advocate, sr.41800
+1 cc to M/s.Karthikaa Ashok, Advocate, sr.41643
+1 cc to Mr.M.L.Ramesh, Advocate, sr.41655.

svi(co)
kra(21/08)

W.P. No.13020 of 2015

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