

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-01-2015

CORAM

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.6008 of 2009

R.Neethiselvan

... Petitioner

vs

1.The Member Secretary

Chennai Metropolitan Development
Authority

Thazhamuthu Natarajan Maligai
Egmore, Chennai 600 008

2.The Commissioner

Chennai City Municipal Corporation
Ripon Buildings, Chennai 600 003

3.L.N.Ramasamy

4.N.Lakshminarayanan

5.M.R.Badri Narayanan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's notice dated 21.1.2009 as per law and demolish the unauthorised first floor construction in premises No.AH-15, IV Avenue, Shanthi Colony, Anna Nagar, Chennai 600 040 within the stipulated time.

For Petitioner : Ms.G.Devi

For Respondents : Mr.N.Sampath for R1
Mr.Karthika Ashok for R2
Mr.V.P.Raju for R5
No appearance for RR3 & 4

ORDER

(Order of the Court was made by THE HON'BLE CHIEF JUSTICE)

In view of the allegation of unauthorised construction, which is, in fact, not even disputed, the second respondent is required to proceed in accordance with law either to regularise the construction at the behest of the owner, if permissible in law, on payment of requisite charges, or to call upon the owner to remove

the unauthorised construction within a time bound schedule, failing which the Corporation would be required to take demolition action.

2.We may note that as per the Counsel for fifth respondent, he was a tenant, who has since been evicted, and he had carried out the construction without sanction, allegedly at the behest of the landlord, an allegation not supported by any document placed on record.

3.Necessary action be carried out by the Corporation within four weeks from today.

4.The writ petition is accordingly disposed of. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

nsv

To:

1.The Member Secretary
Chennai Metropolitan Development
Authority
Thazhamuthu Natarajan Maligai
Egmore, Chennai 600 008

2.The Commissioner
Chennai City Municipal Corporation
Ripon Buildings, Chennai 600 003

1 cc to Mr.N. Sampath, Advocate, Sr. 4164
1 cc to Mr.A. Karthika Ashok, Advocate, Sr. 4175
1 cc to Mr.V. Raghupathi, Advocate, Sr. 4154
1 cc to Mr.V.P. Raju, Advocate, Sr. 4158

W.P.No.6008 of 2009

RJ (CO)

kk 10/2