

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2015

CORAM

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

W.P.No.34306 of 2014
and
M.P.Nos.1 and 2 of 2014

T.R.B. Complex Building Owners'
Welfare Association,
(Register No.178 of 2013),
N.No.76, O.No.22, T.R.B. Complex,
First Avenue, Ashok Nagar,
Chennai-600 083.
rep by its President Sri P.Balamurugan
Balamurugan Consultant.

... Petitioner

Vs.

1. The Chennai Metropolitan Development Authority,
rep by its Member-Secretary,
Thalamurhu Natarajan Building,
No.1, Gandhi Irwin Salai,
Egmore, Chennai-600 008.
2. The Commissioner,
Corporation of Chennai
Ripon Building,
Chennai-600 003.
3. The Chief Engineer,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-600 002.
4. The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
Egmore, Chennai-600 008.

5. The Managing Director,
Tamil Nadu Pollution Control Board,
Guindy, Chennai-600 032.

6. V.Mohan

7. Pradeep Kumar

... Respondents

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct respondents 1 and 2 to take urgent and effective follow up action pursuant to the action / orders issued by the first respondent in Notice No.D/132/AE/003/2014 dated 10.2.2014, No.D/132/AE/004/2014 dated 10.2.2014, No.D/132/AE/005/2014, dated 17.2.2014, No.D/132/AE/006/2014 dated 17.2.2014, No.E/132/AE/007/2014 dated 3.9.2014 and No.D/132/AE/008/2014 dated 3.9.2014, which were brought to the notice of this Court and which formed basis for this Court to dismiss the earlier Writ Petition No.24816 of 2014 as infructuous, by order dated 8.10.2014 within such reasonable time fixed by this court.

For Petitioner : Mr.C.V.Subramanian

For Respondents : Mr.N.Sampath for R-1
Mr.R.Arunmozhi for R-2
No appearance for RR3 to 6
Mr.P.L.Narayanan for R-7

ORDER

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

By this petition, the petitioner seeks a direction to the respondents 1 and 2 to take follow up action pursuant to the action / orders issued by the first respondent in Notice No.D/132/AE/003/2014 dated 10.2.2014, No.D/132/AE/004/2014 dated 10.2.2014, No.D/132/AE/005/2014, dated 17.2.2014, No.D/132/AE/006/2014 dated 17.2.2014, No.E/132/AE/007/2014 dated 3.9.2014 and No.D/132/AE/008/2014 dated 3.9.2014.

2. The petitioner had come up earlier with a writ petition, being W.P.No.24816 of 2014, seeking a direction to the official respondents to take urgent action on the representation made by the petitioner dated 15.09.2013 and 9.7.2014 for removal of encroachment allegedly made by the private respondents 6 and 7 in violation of the

planning permission. The Corporation of Chennai, in response, appeared before the Court and informed that the Corporation had already issued a separate notice dated 3.9.2014, calling upon the private respondents 6 and 7 to discontinue the occupation of the premises in question. Recording the submission of the Corporation, the petition was dismissed as having become infructuous.

3. Now, the petitioner association has come up with the instant petition, seeking for the aforesaid direction alleging that no substantial action has been taken against private respondents 6 and 7. The Corporation represented through Counsel, filed a counter affidavit dated 16.2.2015, stating that against the order dated 03.09.2014, a statutory appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act has been preferred by the 6th respondent before the State Government on 16.10.2014 and as such, during the pendency of the appeal before the State Government, no further action can be taken against the alleged unauthorised construction. In respect of respondent No.7, it was stated by the learned counsel for the 7th respondent that no appeal has been preferred against the order dated 3.9.2014, whereunder he has been directed to discontinue the occupation of the premises in question, within ten days, enabling the authority to carry out locking, sealing and demolition under the provisions of the Act within the prescribed time.

4. In that event, we direct the authorities /official respondents to take action forthwith to ensure that unauthorised illegal construction contrary to planning permission is not allowed to continue, particularly after notice dated 3.9.2014, as aforesaid, has been served on the 7th respondent. Such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Asst. Registrar

/true copy/

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Sub Asst. Registrar.

VVK

To

1. The Member-Secretary,
The Chennai Metropolitan Development Authority,
Thalamurhu Natarajan Building,
No.1,Gandhi Irwin Salai,
Egmore, Chennai-600 008.
2. The Commissioner,
Corporation of Chennai
Ripon Building,
Chennai-600 003.
3. The Chief Engineer,
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Anna Salai, Chennai-600 002.
4. The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
Egmore, Chennai-600 008.
5. The Managing Director,
Tamil Nadu Pollution Control Board,
Guindy, Chennai-600 032.

+1cc to Mr.P.L.Narayanan, Advocate, S.R.No.12726
+1cc to M/s.N.Sampath, Advocate, S.R.No.12231
+1cc to M/s.R.Arunmozhi, Advocate, S.R.No.11648
+1cc to Mr.C.V.Subramanian, Advocate, S.R.No.11899

W.P.No.34306 of 2014

AD(CO)
CA(11/03/2015)

सत्यमेव जयते

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