

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.21131 of 2015

S. Subramanian

Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai

2 Corporation of Chennai
represented by its Executive Engineer
XII Zone, Alandur
Chennai 600 016

3 V. Kamalakannan

4 K. Mahalakshmi

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to implement the orders issued in Notice Z.O. XII/Dn.No.165/03/2013 dated 28.03.2013 and Letter No.Z.O.XII/Dn No.165/03/2013 dated 19.04.2013 of the second respondent.

For petitioner

Mr. M. Dhandapani

For RR 1 & 2

Mr. R. Arunmozhi

For RR 3 & 4

Mr. Manikandan

ORDER

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

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to implement the orders issued in Notice Z.O. XII/Dn.No.165/03/2013 dated 28.03.2013 and Letter No.Z.O.XII/Dn No.165/03/2013 dated 19.04.2013 of the second respondent.

3 The petitioner is stated to be a resident of Gandhi Street, Vanuampet, Chennai - 91. According to the learned counsel for the petitioner, the authorities have issued a stop work notice / notice calling for approved plan dated 28th March 2013 to the private respondents, asking them to stop the construction work with immediate effect and to confirm the fact of having done so within 3 days and in default, it was observed that the Chennai Corporation would take legal action against the construction, including locking and sealing of the premises. Thereafter, locking, sealing and demolition notice dated 19th April 2013 was served on the private respondents, calling upon them to remove the unauthorised construction and bring the premises in conformity with the approved plan within 30 days. In default, it was directed that further action to lock and seal the premises and demolish the same shall be taken under the provisions of Section 57(4) of the Tamil Nadu Town and Country Planning Act, 1971.

4 We are informed that challenging the locking, sealing and demolition notice, an appeal has been preferred by the private respondents on 2nd June 2014 and the same is still pending consideration without any decision. Subsequently, the Appellate Authority, by letter dated 7th August 2015, has called upon Chennai Corporation to submit parawise remarks with complete original files. However, as per the averment in the counter affidavit dated 6th August 2015 filed by the Chennai Corporation, original documents with parawise remarks have already been sent to Chennai Metropolitan Development Authority on 20th February 2015, as requested by the Government vide letter dated 26th June 2014.

5 Be that as it may, inasmuch as the appeal preferred by the private respondents is pending consideration since 2nd June 2014, the Appellate Authority is directed to take a final decision on its own merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. In the meantime, the concerned authorities, viz., Chennai Corporation and Chennai Metropolitan Development Authority are directed to furnish the complete details to the Appellate Authority.

6 The writ petition stands disposed of with the above directions. Costs made easy.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai
- 2 The Executive Engineer
Corporation of Chennai
XII Zone, Alandur
Chennai 600 016
- 3 The Member Secretary
Chennai Metropolitan Development Authority
Thalmuthu Natarajan Building
Egmore, Chennai 600 008

+1 cc to M/S.r.Arunmozhi, Advocate sr.41650
+1 cc to Mr.M.Dhandapani Advocate sr.41670

सत्यमेव जयते

W.P. No.21131 of 2015

vd(co)
aa25/08/2015

WEB COPY