

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.21336 of 2015
& M.P.Nos.1 and 2 of 2015

M/s. Starlite Residency Owners Welfare
Association
Rep.by its Secretary Mr.M.A.Nizamudeen
No.120/27, Starlite Residency
Majestic Colony Main Road
Choudry Nagar, Valasaravakkam
Chennai-600 087.

... Petitioner

-Vs-

1. The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.
2. The Commissioner
Corporation of Chennai
Rippon Building
Park Town
Chennai-600 003.
3. Mohamed Ilyas

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to henceforth remove the ground floor flat in both "A" and "B"- Blocks, 3rd Floor Flat put up over and above flat No.5 of "A" Block thereby making the said flat as duplex flat and the superstructure put up over the terrace of the "A" Block of the premises namely "Starlite Residency" bearing Door No.120/27, Majestic Colony Main Road, Choudry Nagar, Valasaravakkam, Chennai-600 087.

For Petitioner : Mr.K. Ramakrishna Reddy
For Respondents : Mr. C. Johnson for R.1
Mr. R. Arunmozhi for R.2

O R D E R

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

The construction of the building at the first instance and filing application for building permission thereafter appears to be the present trend in the State of Tamil Nadu.

2. The illegal construction made by the third respondent and failure on the part of the Corporation of Chennai to take follow up action in spite of issuing notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 made the petitioner to file this writ petition.

3. In view of the counter affidavit filed by the Regional Deputy Commissioner, Corporation of Chennai indicating the steps taken by the local body in the matter, we do not propose to deal with the facts in detail.

4. The Regional Deputy Commissioner in his affidavit dated 31 August 2015 indicated that locking and sealing notice was issued on 8 August 2015 under Sections 56 and 57 read with Section 85 of the Town and Country Planning Act to discontinue the occupation. According to the Regional Deputy Commissioner, further action will be taken after the expiry of thirty days notice period.

6. The second respondent has already taken action against the third respondent by issuing locking and sealing notice dated 8 August 2015. It is for the Chennai Corporation to take follow up action against the illegal construction as indicated in the counter affidavit dated 31 August 2015.

7. The Commissioner, Corporation of Chennai is directed to monitor the enforcement action taken by the Regional Deputy Commissioner, Adyar in the subject matter to ensure that proceedings are taken to its logical conclusion. The petitioner is given liberty to approach this Court in case of the failure on the part of the Corporation to take follow up action pursuant to the proceedings dated 8 August 2015.

8. The writ petition is disposed of with the above direction. Consequently the connected MPs are closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Tr/

To

1. The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
No.1, Gandhi Irwin Road
Egmore
Chennai-600 008.
2. The Commissioner
Corporation of Chennai
Rippon Building
Park Town
Chennai-600 003.

+1cc to M/s.R.Arunmozhi, Advocate, S.R.No.47714
+1cc to Mr.C.Johnson, Advocate, S.R.No.47492
+1cc to M/s.K.Ramakrishna Reddy, S.R.No.47379

W.P.No.21336 of 2015

AD(CO)
CA(30/09/2015)

सत्यमेव जयते

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