

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 27.8.2015

CORAM:

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

W.P. No.22390 of 2015

S.Somasundaran ... petitioner

versus

- 1 The Chennai Metropolitan
Development Authority Rep. by its Member
Secretary Thalamuthu Natarajan Maligai
Gandhi Irwin Road Egmore Chennai-600 008.
- 2 The Commissioner
Corporation of Chennai Ripon Building Park
Town Chennai-600 003.
- 3 The Assistant Executive
Engineer Corporation of Chennai Zone-5
Pudupet Chennai-600 002.
- 4 The Executive Engineer
TANGEDCO Chindaripet Division Chennai.
- 5 N.Janarthanan
- 6 N.Dheenadayalan
- 7 Arulmigu Dharmaraja Temple
Rep. by its Heretary Trustee Nos.62 & 63
South Coovam Street Pudupet
Chennai-600 002. ... respondents

Writ Petition filed under Art.226 of the Constitution of India
praying for a Writ of Mandamus Directing the 1st 2nd and 3rd
respondents to demolish and permanently remove the illegal
unsanctioned and unauthorized construction carried out by the 5th and
6th respondents at Door Nos.62 and 63 South Coovam Street Pudupet
Chennai-600 002.

For petitioner : Mr.M.Murali
For Respondents : Mr.C.Johnson, for R-1
Mrs.Karthikaa Ashok, for respondents 2 and 3

O R D E R

(made by K.K.SASIDHARAN, J.)

The petitioner has come up with this Writ Petition alleging that Chennai Metropolitan Development Authority and the Corporation of Chennai have failed to take action against respondents 5 to 7 to demolish the illegal structure constructed by them at D.No.62 and 63, South Coovam Street, Pudupet, Chennai.

2. The Corporation of Chennai on receipt of notice filed a counter affidavit through its Assistant Executive Engineer, submitting that they have already taken action by issuing notice on 29 June 2015. Thereafter, the premises was sealed on 20 August 2015. The third respondent agreed to take follow up action for removal of illegal construction.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for Chennai Metropolitan Development Authority and Chennai Corporation.

4. The Corporation of Chennai has already taken enforcement action against the illegal construction alleged to have been put up by respondents 5 to 7. The Corporation appears to have sealed the premises on 20 August 2015, after serving notice on 29 June 2015. It is for the Corporation to take follow up action in the matter with notice to the concerned parties.

5. We direct the Commissioner, Corporation of Chennai, to take follow up action pursuant to the notice dated 29 June 2015 and 20 August 2015, in accordance with law and with due notice to respondents 5 to 7.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, M.P.Nos.1 to 3 of 2015 are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

tar
To

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
Gandhi Irwin Road, Egmore, Chennai-600 008.

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

3 The Assistant Executive Engineer,
Corporation of Chennai Zone-5
Pudupet Chennai-600 002.

4 The Executive Engineer
TANGEDCO Chindaripet Division Chennai.

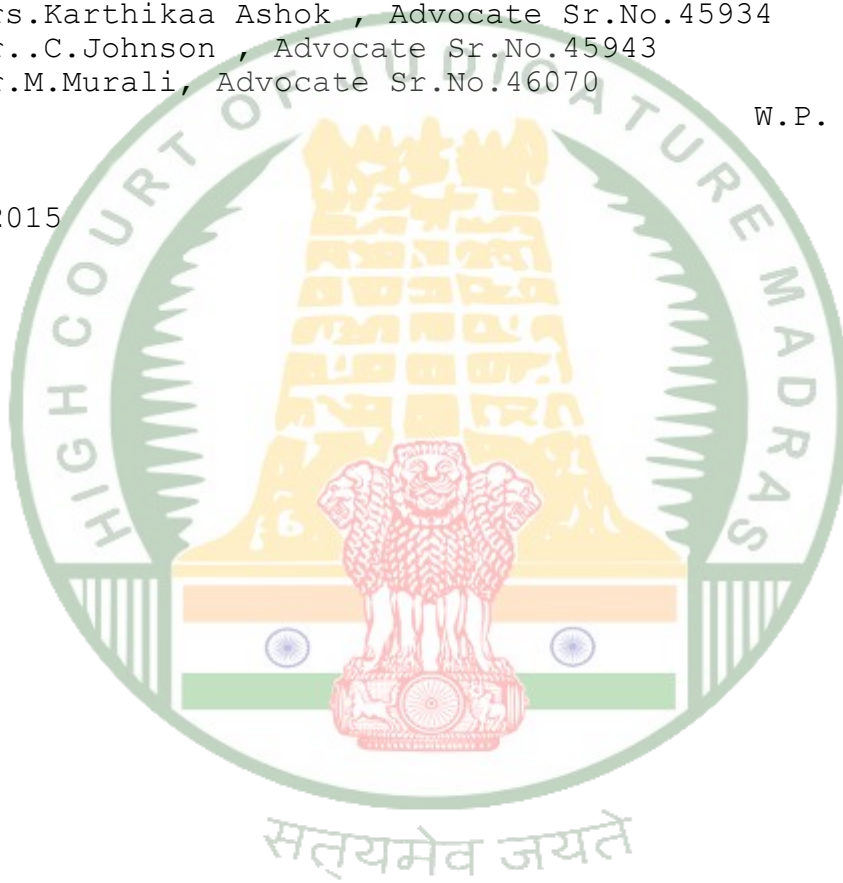
1 cc to Mrs.Karthikaa Ashok , Advocate Sr.No.45934

1 cc to Mr..C.Johnson , Advocate Sr.No.45943

1 cc to Mr.M.Murali, Advocate Sr.No.46070

W.P. No.22390 of 2015

rv(co)
pmk.29.9.2015



WEB COPY