

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

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

W.P. No.25184 of 2015

R. Kandan

...Petitioner

vs.

- 1 The Principal Secretary
Department of Municipal Administration &
Water Supply, Government of Tamilnadu,
Fort St. George,
Chennai-600 009.
- 2 The Member Secretary
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road, Egmore,
Chennai-600 008.
- 3 The District Collector
Thiruvallur District, Thiruvallur.
- 4 The Commissioner
Avadi Municipality, Avadi,
Chennai-600 054.

- 5 S.Gunasekaran ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 2 to 4 to initiate and take action against the unlawful construction of the 5th respondent at door No.37, 5th Street, Kamarajar Nagar, Avadi Chennai-600 071 under the provisions of the Tamil Nadu District Municipalities Act and CMDA Regulations and any other law in force.

For petitioner Mr.V. Parthiban
for
M/s. Paul and Paul

For respondents Mrs. A. Srijayanthi
Spl. Govt. Pleader - R1 & R3
Mr. C. Johnson - R2
Mr. P. Srinivas - R4
Mr. R. Rajesh - R5

ORDER

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

The petitioner has come up with the instant petition seeking a direction to the respondents 2 to 4 to initiate and take action against the unlawful construction of the 5th respondent at Door No.37, 5th Street, Kamarajar Nagar, Avadi, Chennai, under the provisions of law.

2. Alleging that the fifth respondent has put up construction close to his house without leaving any space as required under the provisions of law and also without any sanction from the authorities concerned, the petitioner has addressed a representation dated 20.05.2014 to the respondents 2 and 4 to take action against the said unauthorised construction. He has also sent a representation dated 27.10.2014 to the third respondent to remove the above said alleged illegal construction. Finding no response from the authorities, the petitioner has come up with this writ petition for a direction to the concerned authorities to take action for removal of the aforesaid alleged illegal construction.

3. Learned counsel appearing for the fifth respondent, on instructions, submits that the deviations or unauthorised construction in addition to the approved plan will be removed within a period of one week from today.

4. Learned counsel for the fourth respondent submits that the officials of the fourth respondent will inspect the area in question and take consequential action within a period of one week thereafter.

5. In view of the above said submissions, without expressing any opinion on the merits of the case, we direct the fourth respondent to consider the petitioner's representation dated 20.05.2014 and pass appropriate orders on merits and in accordance with law, after proper survey and inspection of the entire area in question by a responsible officer and if it is found that there is any deviation or unauthorised construction by either parties, the fourth respondent shall take necessary action for removal of such illegal construction, after affording proper opportunity to all the parties concerned. Such an exercise shall be completed within a

period of one week from the date of removal of unauthorised construction by the fifth respondent, as aforesaid.

6. This writ petition is disposed of with the above direction. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

- 1 The Principal Secretary
Department of Municipal Administration &
Water Supply, Government of Tamilnadu,
Fort St. George,
Chennai-600 009.
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Chennai Metropolitan Development Authority,
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- 4 The Commissioner
Avadi Municipality, Avadi,
Chennai-600 054.

+1 cc to Mr.C.Johnson,Advocate(sr.52567)
+1 cc to Mr.Paul and paul,Advocate(sr.52539)
+1 cc to Mr.R.Rajesh,Advocate(sr.56089)27/10/2015

W.P. No.25184 of 2015

vsn(co)
cp 07/10/2015

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