

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.27648 of 2015

V. Balasaraswathi

Petitioner

Vs.

- 1 The Director
Town and Country Planning,
DTCP Office,
No. 807 Anna Salai,
Chengalvarayan Naicken Building,
Chennai 2
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road, Chennai 8.
- 3 The President
Unamancherry Panchayat, Kattankulathur Taluk,
Kanchipuram District, Chennai 127.
- 4 The Deputy Director,
Town and Country Planning, Chengalpet Zone,
No.124 G.S.T.Road, Chengalpet 1.

- 5 D.Perumal Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of directing the respondents 1-4 to demolish and permanently remove the illegal unsanctioned and unauthorized construction carried out by the 5th respondent in adjacent land, situating on Eastern Side of petitioner's property in Survey No. 68/1B4, Plot No.46 Vasanthapuram Extension, Unamancherry, Chennai 127.

For petitioner M/s. R. Radha Pandian

For Respondents Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1,3 & 4.

Mr. N. Sampath - R2

ORDER

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

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents 1,3 and 4. Mr. N. Sampath, learned counsel, accepts notice for the second respondent. Notice to fifth respondent is dispensed with, at this stage, as no consequential action shall be taken by the concerned authorities, without notice to him. Thus, with the consent of the learned counsel for the petitioner and the learned counsel for the official respondents, the writ petition is taken up for disposal, at the admission stage itself.

2. The instant petition is filed seeking a direction to the respondents 1-4 to demolish and permanently remove the illegal and unauthorized construction carried out by the 5th respondent in adjacent land, situating on Eastern Side of petitioner's property in Survey No. 68/1B4, Plot No.46 Vasanthapuram Extension, Unamancherry, Chennai.

3. Pursuant to the notice of this Court dated 03.09.2015, the fourth respondent has filed a counter affidavit dated 14.09.2015 stating that notice under Section 57 (3) (a) of the Tamil Nadu Town and Country Planning Act, 1971, has been issued to the fifth respondent on 11.09.2015, calling upon him to remove the unauthorized portion of the building, within seven days.

4. In view of the aforesaid submission made in the counter affidavit, we are not inclined to pass any other order at this stage. However, the fourth respondent is directed to take consequential action, if necessary, at the earliest, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

- 1 The Director
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Chennai 2
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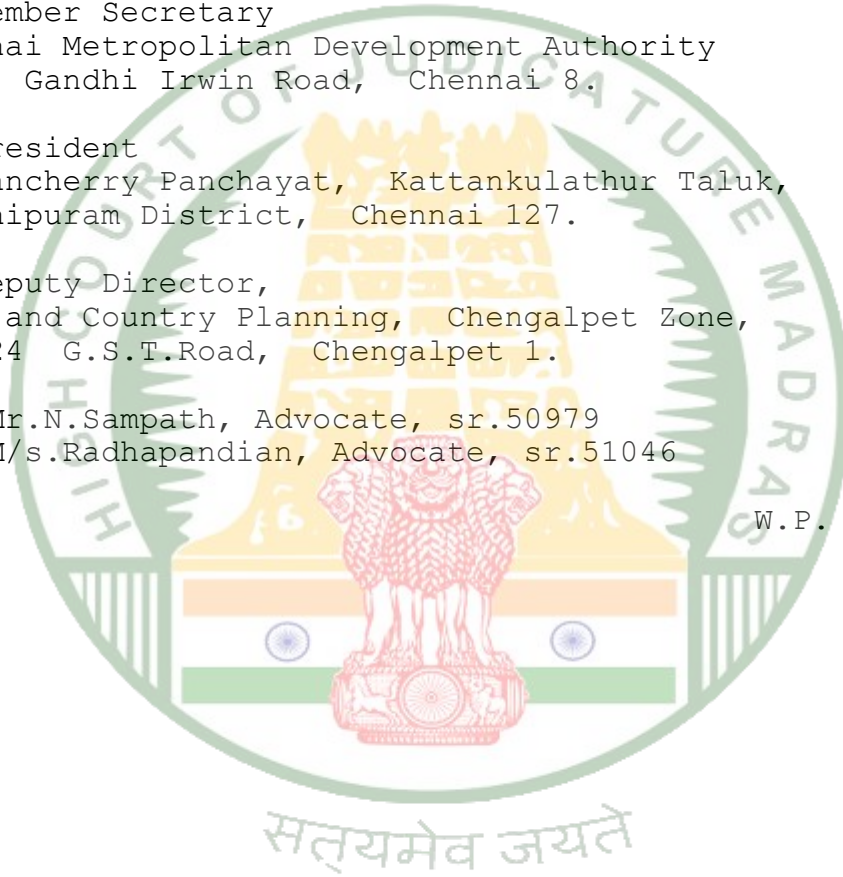
+1 cc to Mr.N.Sampath, Advocate, sr.50979

+1 cc to M/s.Radhapandian, Advocate, sr.51046

W.P. No.27648 of 2015

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