

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

C O R A M

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

W.P.No.27891 of 2015

K. Lakshmikanthan

... Petitioner

Vs.

- 1 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road, Egmore,
Chennai-600 008.
- 2 The Collector,
Thiruvallur District, Thiruvallur-602 001.
- 3 The Commissioner,
Villivakkam Panchayat Union Office,
Ambattur,
Chennai-600 053.
- 4 Raj Mohan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 3rd respondent to take action as per the letters of 1st respondent in proceedings Nos. Lr.No. EC/CCW1/N&C/Petn/4031/2013, dated 27.05.2015, Lr.No.EC/ CCW1/N&C/ Petn/ 7855/2013, dated 28.05.2013, Lr.No.G/10187/2013, dated 18.06.2013, Lr.No.G/14259/2013, dated 23.08.2013, Lr.No.EC/ N&C/CCW1/Petn/ 12858/2013, dated 06.09.2013, Lr.No.G/16064/2013 dated 26.09.2013, Lr.No.G/19588/2013,dated 04.12.2013, Lr.No. EC/CCW/N&C/Petn./20425/2013, dated 23.05.2014, Lr.No.G9190/14 dated 02.07.2014, Lr.No. EC/CCW/ N&C/petn./9432/2014, dated 02.09.2014, Lr.No.Z.0.7/C.No. /06687/2014, dated 03.09.2014,Lr.No.G/13383/2014, dated 08.09.2014, Lr.No.G/13387/2014,dated 09.09.2014 Lr.No.G/15143/2014 dated 27.10.2014, Lr. No.G/PIO/17484/2014, dated 26.12.2014 and Lr.No.G/2819/2015, dated 09.03.2015 and thereby take action against the 4th respondent's building as per law.

For petitioner : Mr.A.R. Nixon

For respondents : Mr.N. Sampath- R1.
Mr.N. Sakthivel
Special Government Advocate- R2
Mr. S. Gunasekaran - R3

O R D E R

(Delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sampath, learned counsel, accepts notice for the first respondent, Mr. N. Sakthivel, learned Government Advocate, accepts notice for the second respondent and Mr. S. Gunasekaran, learned counsel, accepts notice for the third respondent. It is not necessary to issue notice to the fourth respondent at this stage, inasmuch as, this is only a case of consideration of the petitioner's representation and no action can be taken without affording an opportunity of hearing 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 final disposal, at the admission stage itself.

2. The instant writ petition is filed seeking a direction to the official respondents to initiate necessary steps for removal of the alleged unauthorised construction made by the fourth respondent in S.No. 32, Thamirabarani Street, Ayapakkam Village, Thiruvallur District.

3. In response to our notice dated 28.09.2015, the third respondent/competent officer, has filed a counter affidavit stating that the notice as contemplated under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "The Act") has been served on the fourth respondent on 06.10.2015. It is further stated that consequential action will be taken within the time prescribed under the provisions of the Act.

4 In view of the above, we are not inclined to pass any further direction, save and except that consequential action shall be taken by the third respondent within the time specified under the provisions of the Act.

5. This writ petition is disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (CS-IV)

सत्यमेव जयते

/True Copy/

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Sub-Assistant Registrar

To

1 The Member Secretary,
Chennai Metropolitan Development Authority ,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.

2. The Collector,
Thiruvallur District,
Thiruvallur-602 001.
3. The Commissioner,
Villivakkam Panchayat Union Office,
Ambattur,
Chennai-600 053.

W.P.No.27891 of 2015

VSN (CO)
sd : 19/10/2015



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