

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2015

CORAM:

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

W.P. No.29080 of 2015

K. Pandurangan

Petitioner

Vs.

- 1 The Member Secretary,
Chennai Metropolitan
Development Authority,
No.1 Thalamuthu Natarajan
Maligai, Egmore,
Chennai-8.
- 2 The Chief Vigilance Officer,
Chennai Metropolitan
Development Authority,
No.1 Thalamuthu Natarajan Maligai,
Egmore, Chennai-8.
- 3 The Executive Engineer,
Chennai Corporation-Zone 10,
New No.117,
Old No.64 N.S.K.Salai,
Kodambakkam, Chennai-24.
- 4 N.Ravindran

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to demolish the unauthorized building being constructed by the fourth respondent at Door No.193 Lake View Road, West Mambalam, Chennai-600 033.

For petitioner
For Respondents

Mr. C. Munusamy
Mr. N. Sampath - R1 & R2
Mr. R. Arunmozhi - R3

ORDER

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

The petitioner, who is stated to be a resident of West Mambalam, has filed this writ petition, seeking a direction to the official respondents 1 to 3 to demolish the unauthorized building being constructed by the fourth respondent at Door No.193, Lake View Road, West Mambalam, Chennai.

2.Pursuant to our notice dated 15.09.2015, an affidavit has been filed by the first respondent stating as under:-

" (4) I further submit that, CMDA Enforcement officials inspected the site on 21.07.2015 and the report is as follows:-

(a) During inspection of CMDA, it was ascertained that the ongoing construction of stilt floor + 3 floors building at Door No.193/2 Lake view Road, West Mambalam, Chennai-33, a stop work notice was issued for calling approved plan vide CMDA Notice No.A-980, dated 21.07.2015.

(b) In response to the above, owner/ developer did not furnish any copy of the approved plan/ reply. Hence, the ongoing construction in the site is constructed as an unauthorised one and being carried out without any statutory approval.

(c) In view of the above, a locking and sealing and demolition notice was issued in Letter No.EC/C-II/12075/2015 dated 01.09.2015 with a request to the owner/ developer to stop the work and to restore the land to its original condition before the said construction took place within 30 days from the date of receipt of this letter.

(d) Further, as per the directions of the Hon'ble Court, the said premises was inspected by CMDA Enforcement officials on 19.09.2015 and measurements are taken and the inspection sketch is herewith enclosed.

(e) Further, it is ascertained that the Corporation of Chennai has taken enforcement action against this building and locked and sealed the premises on 19.09.2015."

3.Since the unauthorised portion of the building has already been locked and sealed, we do not want to keep this writ petition pending. Accordingly, this writ petition stands disposed of with a direction to the authorities to take follow up and consequential action thereafter. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Thalamuthu Natarajan Maligai, Egmore,
Chennai-8.
- 2 The Chief Vigilance Officer,
Chennai Metropolitan Development Authority,
No.1 Thalamuthu Natarajan Maligai, Egmore,
Chennai-8.
- 3 The Executive Engineer,
Chennai Corporation-Zone 10, New No.117,
Old No.64 N.S.K.Salai,
Kodambakkam, Chennai-24.

+1cc to Mr.N. Sampath, Advocate, S.R.No.51699
+1cc to Mr.C. Munusamy, Advocate, S.R.No.51621
+1cc to Mr.R. Arunmozhi, Advocate S.R.No.51604

SV(CO)
EU(1/10/2015)

W.P. No.29080 of 2015

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