

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.31638 of 2015

1.Shyam Prasad Prasanna
2.C.S.Prasad
3.Sundaram Savitri

... Petitioners

Vs.

1. Chennai Metropolitan Development
Authority (CMDA) rep. by its
Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin road,
Egmore, Chennai - 8.

2. Corporation of Chennai rep.
by its Commissioner,
Rippon Buildings,
E.V.R. Periyar Salai,
Chennai - 84.

3. M/s.Madhuram Enterprises
rep. by its Partner V.Kumar

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the first and second respondents to demolish the unauthorised constructions put up by the third respondent in the stilt floor of the building called "Aalaya" situated in Plot No.541, New Door No.4, Old No.8, Third Trust Link Street, Santhome (Raja Annamalaipuram), Chennai - 28 and to punish the third respondent for his illegal acts.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.K.Raja Srinivas for R1

Mr.R.Arunmozhi for R2
Mr.A.V.Arun for R3

ORDER

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

The first petitioner is the son of petitioners 2 and 3, who are stated to be the residents of Kences Enclave, Block - 1, No.1, Ramakrishna Street, T.Nagar, Chennai - 17. The petitioners have come up with the writ petition, complaining that the third respondent has made unauthorised construction in Plot No.541, New Door No.4, Old No.8, Third Trust Link Street, Santhome, Chennai - 28.

2.Pursuant to the notice issued by this Court, site inspection was made on 20 October 2015 by the Corporation of Chennai. On site inspection, it was found that unauthorised construction has been carried out in the premises. Accordingly, the Corporation, exercising its power under Sections 56 and 57 r/w 85 of the Tamil Nadu Town and Country Planning Act issued a notice on 26 October 2015, calling upon the owner to furnish the approved plan.

3.It is submitted by the learned counsel appearing for the Corporation that consequential action in accordance with law will be taken within a statutory period prescribed under the Act itself.

4.In view of the above, we are not inclined to proceed further with the matter. The writ petition is disposed of with a direction to the Corporation to proceed and take consequential decision/action, after issuing notice to the petitioners and the third respondent. If statutory application is filed against such notice before the higher authority, the same shall be considered within the statutory period in accordance with law. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi

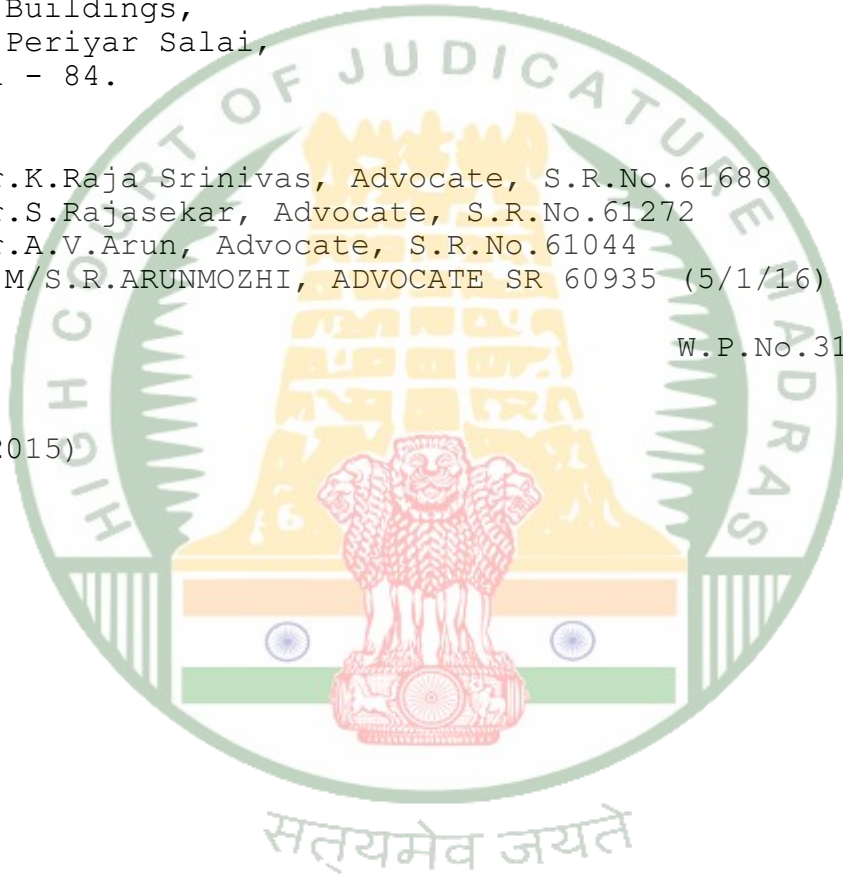
To

1. The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin road,
Egmore, Chennai - 8.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
E.V.R. Periyar Salai,
Chennai - 84.

+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.61688
+1cc to Mr.S.Rajasekar, Advocate, S.R.No.61272
+1cc to Mr.A.V.Arun, Advocate, S.R.No.61044
+ 1 CC TO M/S.R.ARUNMOZHI, ADVOCATE SR 60935 (5/1/16)

W.P.No.31638 of 2015

RSK(CO)
CA(25/11/2015)



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