

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P.No.32310 of 2015
and
M.P.Nos. 1 and 2 of 2015

R. Arunachalam ... Petitioner

Vs

1. The Commissioner
Corporation of Chennai,
Rippon Building,
EVR Periyar Salai, Park Town,
Chennai-3
2. The Executive Engineer
Zone VIII Corporation of Chennai,
36-B 2nd Cross Street,
Pulla Avenue, Shenoy Nagar
Chennai-30
3. The Asst. Engineer
Zone VIII Corporation of Chennai,
36-B 2nd Cross Street,
Pulla Avenue Shenoy Nagar
Chennai-30
4. Mr.Arun Sunder Mahbubani
5. Mrs.Diksha.A.Mahatani

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents 1 to 3 to initiate action against the 4th & 5th respondents pursuant to the two notices sent to the respondents both dated 19.6.2015 and consequently forbearing the respondents

4 & 5 from carrying out the illegal demolition, alternation , reconstruction and conversion of the residential building into commercial in respect of the property at New Door No.AG-59 (Old Door No.AG-28) Ground Floor, IV Avenue, Shanthi Colony, Anna Nagar, Chennai 600 040 without the valid permission/sanction therefor under the Chennai City Municipal Corporation Act.

For Petitioner : Mr.S.D. Venkateswaran

For Respondents : Mr. V.C. Selvasekaran - R1 to R3

Mr. V. Manisekaran - R5

No Appearance - R4

ORDER

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

With the consent of the learned counsel for the petitioner and the learned counsel for the respondents 1 to 3 and 5, the writ petition is taken up for final disposal.

2. Seeking a direction to the respondents 1 to 3 to initiate action for removal of the unauthorised construction and deviations made and also illegal conversion of the residential building to commercial building in respect of the property at New Door No.AG.59 (Old Door No.AG.28) Ground Floor, IV Avenue, Shanthi Colony, Anna Nagar, Chennai.40, this writ petition is filed.

3. Learned counsel appearing for the petitioner submits that the petitioner is a resident of the neighbouring area. On account of the illegal and unauthorised structure and also conversion of the residential building into commercial building, inconvenience is being caused to the neighbours and also the law dealing with regulation of building construction is being violated. Thus, a direction be issued to the authorities concerned.

4. Pursuant to this Court's notice dated 12.10.2015, the third respondent has submitted an affidavit stating therein that spot inspection was made on 04.09.2015 wherein, it was noticed that the respondents 4 and 5 have made alterations in the

building. Accordingly, a notice dated 09.09.2015 calling upon the respondents 4 and 5 to produce approved plan under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") was served. Further notice dated 07.10.2015 was served on the respondents 4 and 5 for locking and sealing the premises in question.

5. Learned counsel for the petitioner submits that the time granted by the authorities expires on 06.11.2015. Thus, a direction be issued to the authorities to take consequential action, as provided under the provisions of the Act.

6. Learned counsel appearing for the respondents 1 to 3 submits that on expiry of the statutory period, consequential action will be taken without any delay and steps will be taken to ensure that no unauthorised construction remains and also, the respondents 4 and 5 will not be permitted to convert the nature of the occupation without prior approval.

7. There is no denial of the fact of issuance of notice and also affording of opportunity of hearing to the respondents 4 and 5 before consequential action is taken.

8. In such view of the matter, we are not inclined to proceed further in the matter. Thus, the writ petition stands disposed of with a direction to the authorities concerned to take consequential action on merits and in accordance with law. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ra.

To

1. The Commissioner
Corporation of Chennai,
Rippon Building,
EVR Periyar Salai, Park Town,
Chennai-3

2. The Executive Engineer
Zone VIII Corporation of Chennai,
36-B 2nd Cross Street,
Pulla Avenue, Shenoy Nagar
Chennai-30

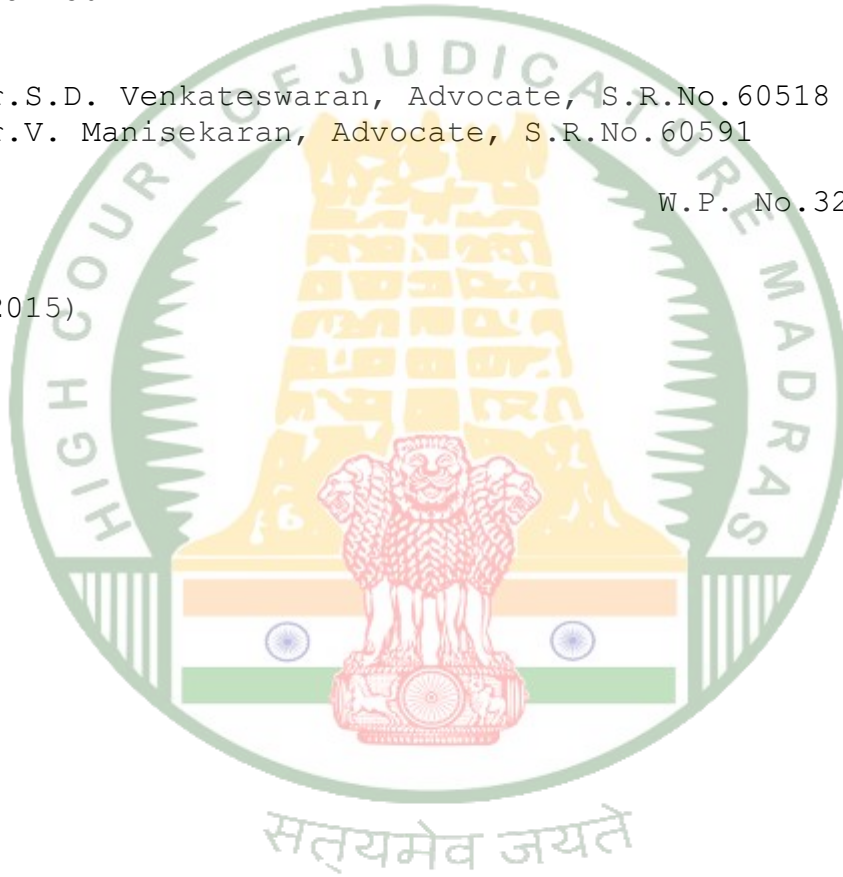
3. The Asst. Engineer
Zone VIII Corporation of Chennai,
36-B 2nd Cross Street,
Pulla Avenue Shenoy Nagar
Chennai-30

+1cc to Mr.S.D. Venkateswaran, Advocate, S.R.No.60518

+1cc to Mr.V. Manisekaran, Advocate, S.R.No.60591

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BVR(CO)
CA(20/11/2015)



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