

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2015

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.420 of 2015 and M.P. No.1 of 2015

P. Anand

Petitioner

vs.

1 The Director of Municipal Administration
Commissionerate of Municipal Administration
Chepauk
Chennai

2 The Commissioner
Pallavaram Municipality
Pallavaram
Chennai

3 B. Shanmugasundaram

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to take appropriate action to prevent the third respondent from putting up any illegal and unauthorised building construction in land comprised in Plot No.61 situated in Survey No.40/7 and 40/11, Bajanai Koil Street, Hastinapuram Village, Chromepet, Chennai, by considering the petitioner's representations dated 15.12.2014 and 29.12.2014 and remove the construction that has been put up by him in the said property.

For petitioner Mr. AR.L. Sundaresan, Sr. Counsel
for M/s. AL. Gandhimathi

For R1 Mr. N. Sakthivel
Government Advocate

For R2 Mr. P. Srinivas

ORDER

The petitioner seeks a direction to the respondents 1 and 2 to take appropriate action against the third respondent from putting up any illegal and unauthorised building construction in the land comprised in Plot No.61, situated in Survey No.40/7 and 40/11, Bajanaik Koil Street, Hastinapuram Village, Chromepet, Chennai, by considering his representations dated 15.12.2014 and 29.12.2014 and to remove the construction that has been put up by the third respondent in the said property.

2 During the course of arguments, the learned Senior Counsel appearing for the petitioner brought to our notice, the stop work notice dated 06.01.2015 issued against the third respondent. It is submitted that despite the said stop work notice, the third respondent is still continuing with the construction.

3 Without expressing any opinion on the merits of the case, we observe that if stop work notice has been issued, the authorities are under an obligation to ensure that the notice is complied with fully in its letter and spirit. Accordingly, no order is necessary, at this stage. However, the authorities are directed to ensure that the provisions of law are properly followed and consequential action will have to be taken at the earliest.

4 The writ petition stands disposed of accordingly. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/
सत्यमेव जयते

Sub Asst. Registrar

cad

To

1 The Director of Municipal Administration
Commissionerate of Municipal Administration
Chepauk
Chennai

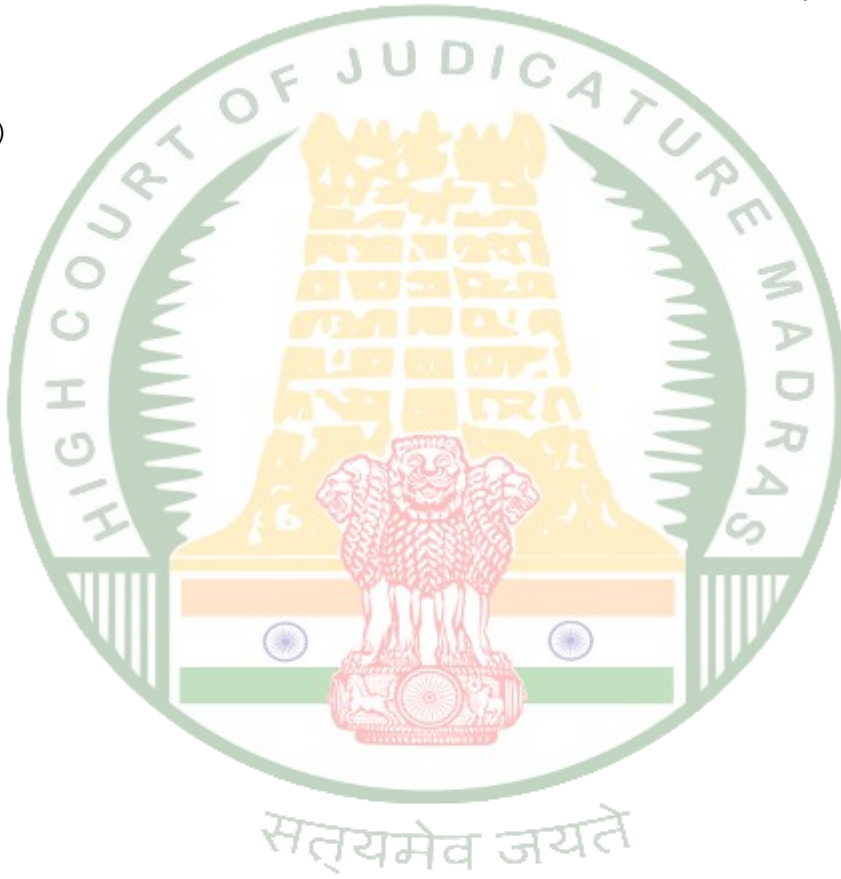
WEB COPY

2 The Commissioner
Pallavaram Municipality
Pallavaram
Chennai

1 cc to Mr.P. Srinivas, Advocate, Sr. 2009
2 ccs to Mr.P. Gopiraja, Advocate, SR. 1953

W.P. No.420 of 2015

SSI (CO)
kk 20/1



WEB COPY