

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No. 4514 of 2015

Mrs. A.M.Rajeswari

... Petitioner

Vs.

1. The Chennai Metropolitan Development Authority
Rep by its Member Secretary,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
2. Corporation of Chennai,
Rep by its Assistant Commissioner,
Zone-12 ,
Alandur, Chennai 16.
3. Mr.C.P.Raja,
NO.45/16 23rd Street,
Thillai Ganga Nagar,
Nanganallur, Chennai 61.
4. M/s.Shre Annai Builders and
Real Estates Rep by its Prop and Partner Mr.
C.P.Raja No.9/48 Thillai Ganga Nagar,
4th Main Road,
Nanganallur, Chennai 61.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to dispose of the petitioners representation dated 07.08.2014 by issuing appropriate directions to remove the unauthorised/illegal constructions put up by the 3rd and 4th respondents comprised in Survey No. 240/3', T.S.No.78/2, Block No.9 3rd Street, Shanthi Nagar, Adambakkam Village measuring an extent of 3632 sq.ft.

For petitioners : Mr. T. Ramachandran

For respondents : Mr. N. Sampath - R1
Mr. G. Anantharangan - R2
No Appearance - R3 & R4

ORDER

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

The petitioner, claiming to be a neighbour of the property in question, has come up with this writ petition seeking a direction to the authorities/ respondents 1 and 2 to consider the representation dated 07.8.2014, whereunder, it has been alleged that unauthorised illegal construction has been put up by the respondents 3 and 4 in S.No.240/3', T.S.No.78/2, Block No.9 3rd Street, Shanthi Nagar, Adambakkam Village, measuring an extent of 3632 sq.ft.

2. Pursuant to notice, the second respondent has filed an affidavit dated 15.3.2014 stating in paragraphs 4 and 5, as under :-

" (4) I submit that in view of the above, a stop work notice under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (as amended by act 61 of 2008) (for short 'the Act') bearing No.132/2015 dated 02.03.2015 issued to the owner of the plot No.B, T.S.No.78/2 (part). Thiru C.P.Raja and Dharmesh S.Vyas(P.O.A.) within 3 days from the date of receipt of this notice, after receiving the notice, 3rd respondent stop further construction. Further enforcement action will be taken by following due process of law.

(5)I submit that the Corporation of Chennai has taken steps and initiated action against the builder in respect of the deviated construction. Hence, the deviation in construction has to be seriously looked into and enforcement action is being taken by the corporation of Chennai."

3. Thus, it appears that there is a clear deviation in the construction, which is unauthorised and illegal. Since stop work notice under Sections 56 and 57 read with Section 85 of the Act has been issued on 2.3.2015, we do not propose to give further direction except that the respondents 1 and 2 shall take consequential action within the statutory period and ensure that the building is in accordance with the approval/permission granted by the authorities.

4. This writ petition is disposed of accordingly. Consequently, M.P. No. 1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RA

To

1. The Member Secretary,
Chennai Metropolitan
Development Authority
Gandhi Irwin Road,
Egmore, Chennai 600 008.
2. Assistant Commissioner,
Corporation of Chennai,
Zone-12 ,
Alandur, Chennai 16.

+1cc to Mr.T.Ramachandran, Advocate, S.R.No.3298
+1cc to Mr.N.Sampath, Advocate, S.R.No.13325
+1cc to Mr.G.Anantharangan, Advocate, S.R.No.13407

VSN(CO)
CA(17/03/2015)

W.P. No.4514 of 2015