

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.03.2015

CORAM:

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

W.P. No. 6106 of 2015

S.A. Valeeullah

... Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development,
Thalamuthu Natarajan Building, Egmore, Chennai-8.
2. The Chairman and Secretary
Chennai Metro Water and Sewerage Board,
Mount Road, Chennai-2.
3. The Assistant Engineer (Depot)
Zone V, Division 55, Seven Wells Street,
Chennai-1.
4. The Junior Engineer,
Zone V, Division 55, Shanmugam Street,
Seven Wells, Chennai-1.
5. Mr.Praveen Kumar
No.47 Subramani Mudali Street,
Seven Wells,
Chennai-1.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st and 2nd respondents to take appropriate actions against the 5th respondent's premises at Door No.47 Subramania Mudali Street, Seven Wells, Chennai-1 and demolish the illegal construction in violation of the sanctioned plan and also take appropriate action against the 3rd and 4th respondents for giving illegal water and sewerage connection and others of utilities.

For petitioner : Mr. S.S. Vasudevan

For respondents : Mr. J. Raja Srinivas - R1
Mr. G. Anantharangan - R3 & R4

ORDER

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

The instant writ petition has been filed seeking a writ of Mandamus directing the respondents 1 and 2 to take appropriate action against the 5th respondent's premises at Door No.47 Subramania Mudali Street, Seven Wells, Chennai-1 and demolish the illegal construction put up in violation of the sanctioned plan and also take appropriate action against the respondents 3 and 4 for giving illegal water and sewerage connection and other utilities.

2. Learned counsel appearing for the petitioner submits that pursuant to the order dated 07.8.2014 passed by a Division Bench of this Court in W.P. No. 16555 of 2014, the authorities have initiated action by issuing a stop work notice dated 07.1.2015, calling for production of approved plan in respect of Door No. 47, Subramania Mudali Street, Seven Wells, Chennai-1. Thereafter, we noticed that, locking, sealing and demolition notice was issued on 19.1.2015. According to the petitioner, after issuing locking and sealing notice, the authorities have not taken any consequential action, either to seal the premises or to demolish the same, even though, deviation or unauthorised construction without approval, continues. Thus, the petitioner is constrained to file this writ petition. It is further contended that the fifth respondent is continuing with the construction despite aforesaid stop work notice and locking and sealing notice.

3. On perusal of the documents, it is revealed that notices were issued, as aforesaid. However, it appears that no consequential action has been taken. In such circumstances, the first respondent is directed to take consequential action in accordance with law on its own merits, forthwith, within a period of two weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RA

To

1. The Member Secretary,
Chennai Metropolitan Development,
Thalamuthu Natarajan Building, Egmore, Chennai-8.
2. The Chairman and Secretary
Chennai Metro Water and Sewerage Board,
Mount Road, Chennai-2.
3. The Assistant Engineer (Depot)
Zone V, Division 55, Seven Wells Street,
Chennai-1.
4. The Junior Engineer,
Zone V, Division 55, Shanmugam Street,
Seven Wells, Chennai-1.

+1cc to Mr.S.S.Vasudevan, Advocate, S.R.No.12461
+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.13099
+1cc to Mr.G.Anantharangan, Advocate, S.R.No.12550

SCD(CO)
CA(13/03/2015)

W.P. No.6106 of 2015

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