

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2015

CORAM:

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

W.P. No.33830 of 2013 and M.P. No. 1 of 2013

Pugazhendhi Sugumaran

Petitioner

vs.

- 1 Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Chennai 600 008
- 2 The Commissioner
Tambaram Municipality
Tambaram
Chennai 600 045
- 3 Royal Builders
represented by its Partner Esa Thilakar
No.1 Raj Complex
Camp Road Junction
Selaiyur, Chennai 600 073

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent herein to take necessary action as per the proceedings of the first respondent dated 17.12.2012 in Letter No.ES3/17874/2012 against the unauthorised construction put up by the third respondent at Plot No.9 and 10 Part, Elumalai Street, Selaiyur Village, Tambaram Taluk, Kancheepuram District in violation of planning permit No.C.94134 dated 08.06.2011.

For petitioner Ms.K.V. Vani

For R1

Mr. J. Raja Srinivas

For R2

Mr. P. Srinivas

For R3

Mr. D. Ashok Kumar

- - - - -

ORDER

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

The petitioner has come up with this writ petition seeking a direction to the second respondent to take necessary action as per the proceedings of the first respondent dated 17.12.2012 in Letter No.ES3/17874/2012 against the unauthorised construction put up by the third respondent at Plot No.9 and 10 part, Elumalai Street, Selaiyur Village, Tambaram Taluk, Kancheepuram District in violation of Planning Permit No.C. 94134 dated 08.06.2011.

2. Pursuant to the notice dated 13.12.2013 issued by this Court, the second respondent has submitted a report dated 09.03.2015 stating as under:

"(9) Thereafter, on 07.03.2015, the work of demolition was started with the workers of the Tambaram Municipality. The said Jayakumar removed all his articles from the premises and placed it outside. Thereafter, the entrance door, windows, was removed, rear external walls of the unauthorised construction were partially demolished and the same has been continued on 09.03.2015. The available photographs taken on 07.03.2015 are filed herewith to show the work undertaken by this respondent.

It is therefore submitted that the respondent herein has complied with the requirements of the statute by demolishing the unauthorised building of the additional residential portion in the stilt area of the A Block of the premises in Door No.33, Elumalai Street, Selaiyur, Tambaram."

3. The complete removal of the unauthorised portion was doubted by the petitioner in the course of hearing on 18.03.2015. We, accordingly, directed the second respondent to produce photographs of complete removal as pleaded by the second respondent. The latest photographs have been produced, wherein, it is clearly shown that the unauthorised portion has been fully removed. Thus, nothing remains for further adjudication in this writ petition.

4. Accordingly, this writ petition is closed as disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Chennai 600 008
- 2 The Commissioner
Tambaram Municipality
Tambaram
Chennai 600 045

+1 cc to Mr.R.Saravanakumar, Advocate,SR.15497

+1 cc to Mr.Lion D.Ashok Kumar, Advocate,SR.15654

+1 cc to Mr.P.Srinivas, Advocate,SR.15681

+1 cc to Mr.K.Raja Srinivasan, Advocate,SR.15752.

rsy(co)
krd 6/4

W.P. No.33830 of 2013



WEB COPY