

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.7845 of 2014

M.S.Abdul Hassan

.. Petitioner

-vs-

1.The Chairperson,
C.M.D.A.,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Chennai-600 003.

3.Md.Abdul Hakim

4.K.A.Manshoor

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first and second respondents to demolish the unauthorised construction made by the third and fourth respondent in R.S.No.11476 and 11478/1 situated at 'Empire Plaza' at Nos.221 and 222, N.S.C. Bose Road, George Town and No.8, Francis Joseph Street, George Town, Chennai-600 001 by considering the representation given by the petitioner dated 23.01.2014.

For Petitioner : Mr.Ashok Menon

For Respondents : Mr.N.Sampath for R1
Mr.K.Soundararajan for R2
M/s.A.V.Bharathi for R3 & R4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, owner of the ground floor bearing R.S.No.11476 and 11478/1 situated at 'Empire Plaza' at Nos.221 & 222, N.S.C. Bose Road, George Town and No.8, Francis Joseph Street, George Town, Chennai makes allegation of an unauthorised

construction of second and third floors against the private respondent Nos.3 and 4.

2. The counter-affidavit is stated to have been filed by respondent No.2 today in the Registry and a copy of the same has been made available to us, which seeks to suggest that the site inspection was caused on 15.11.2016 and it was found that not only the second and third floors were unauthorised, but requisite set back as also any open ventilation is not left apart from other infirmities. Thus, notice has been issued calling for an approved plan under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 to respondent Nos.3 and 4 as well as the petitioner to verify the nature of the construction.

3. In view of the aforesaid facts and circumstances, it is directed that necessary action in accordance with law be concluded within a maximum period of three months of the receipt of the copy of this order.

4. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr
To

- 1.The Chairperson,
C.M.D.A.,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2.The Commissioner,
Corporation of Chennai,
Chennai-600 003.

+1cc to Mr.K. Soundararajan, Advocate, S.R.No.68338
+1cc to Mr.E. Martin Jayakumar, Advocate, S.R.No.67995
+2 cc to M/s. Ashok menon, Advocate Sr.No.67869
+1 cc to Mr. N. Sampath, Advocate Sr.No.67821

kgk (CO)
md(02/12/2016)

W.P.No.7845 of 2014