

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

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

W.P. No.14428 of 2015
and
M.P.No.1 of 2015

Dhanalakshmi

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.
2. Chennai Metropolitan Development
Authority rep. by its
Member Secretary,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai - 8.
3. Anuratha
4. M.Pettiammal
5. Savithiri
6. Muthusaravanan
7. Chandrasekaran
8. Srinath Hari

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 and 2 herein to prevent the unauthorised construction activity being carried out in the property in Survey Nos.245 and 252, T.S.No.2/2 (Part), 2/3 (Part) and Plot No.3 and 4, Block No.33 of Peravallur Village, Chennai - 82 by the respondents 3 to 8 herein without obtaining planning permission, either by issuing stop work notice or any other appropriate steps under the provisions of the Tamil Nadu Town and Country Planning Act and Chennai City Municipal Corporation Act.

For Petitioner : Mr.C.Jagadish

For Respondents : Mr.V.C.Selvasekaran,
Standing Counsel for R1
Mr.K.Raja Srinivas,
Standing Counsel for R2
Mr.D.Kumaralingam
for M/s.D.Jayachandran
for R3, R5, R7 and R8

ORDER

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

With the consent of learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2.The petitioner, who is a resident of Peravallur area, along with others, has made a representation on 02.04.2015, pointing out the unauthorised construction sans approval at Survey Nos.245 and 252. Finding no response from the authorities, the petitioner was made to file the instant writ petition for a direction to the first and second respondents to prevent the unauthorised construction and take action to remove the unauthorised construction thereon.

3.In response, the first respondent/Corporation of Chennai has filed its reply stating that the first respondent issued notice to the eighth respondent calling upon him to produce the plan dated 11 December 2015. Since it has not been done, the first respondent issued notice under Sections 56 and 57 of the Town and Country Planning Act, 1971, on 14 December 2015, for locking and sealing of the premises in question.

4.Learned Standing Counsel appearing for the first respondent Corporation submits that consequential action will be taken in accordance with law within the period prescribed under the Act.

5.In view of the foregoing, no further direction is necessary in this writ petition. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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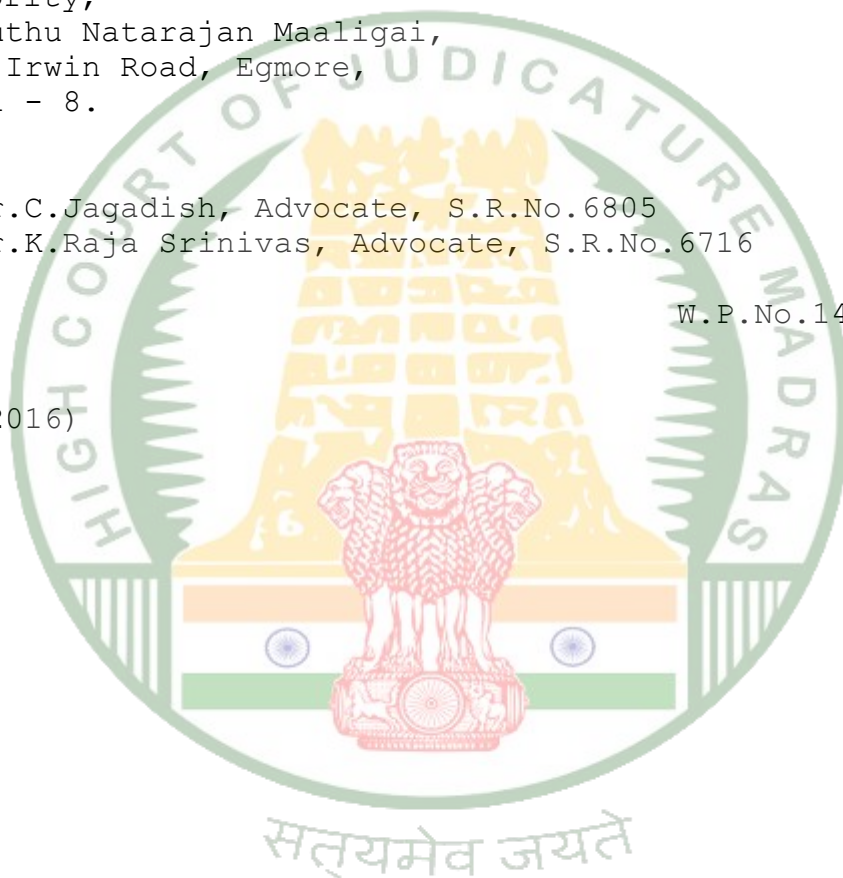
1. The Commissioner,
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Rippon Buildings, Chennai.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai - 8.

+lcc to Mr.C.Jagadish, Advocate, S.R.No.6805

+lcc to Mr.K.Raja Srinivas, Advocate, S.R.No.6716

W.P.No.14428 of 2015

CA(CO)
CA(17/02/2016)



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