

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.14429 of 2015
and
M.P.No.1 of 2015

Chandra

... 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. S.Pooja
4. A.Sangeetha
5. R.Swetha Kumari
6. Chandrasekar

... 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 consider the petitioner's representation dated 13.03.2015 by issuing stop work notice or issuing appropriate orders under the provisions of the Tamil Nadu Town and Country Planning Act and Chennai City Municipal Corporation Act and prevent the unauthorised construction in the property situate at Old No.146-C, New No.1-A, Paper Mills Road, Peravallur Village, Chennai - 82 comprised in Survey No.252 (part), T.S.No.2/5 (part) in Block No.33, measuring about 58 square metres within the time frame fixed by this Court.

For Petitioner : Mr.C.Jagadish

For Respondents : Mr.V.C.Selvasekaran,

Standing Counsel for R1
Mr.K.Raja Srinivas,
Standing Counsel for R2
Mr.G.Jeremiah
for Mr.P.Chandrasekar
for R3 to R6

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, has made a representation on 13.03.2015 pointing out the unauthorised construction sans approval at Survey No.252 Part, Part of T.S.No.2/5 Part in Block No.33. 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 consider the petitioner's representation dated 13.03.2015 by issuing stop work notice or issuing appropriate orders under the provisions of the Tamil Nadu Town and Country Planning Act and Chennai City Municipal Corporation Act and prevent the unauthorised construction in the property.

3.In response, the first respondent/Corporation of Chennai has filed its reply stating that stop work notice dated 24 June 2015 was issued, calling upon respondents 3 to 5 to produce the approved plan. Since no approved plan has been produced, notice under Sections 56, 57 and 85 of the Town and Country Planning Act, 1971 for lock and seal has been issued on 01 July 2015. Subsequently, respondents 3 to 5 have been issued with a de-occupation notice dated 29 September 2015.

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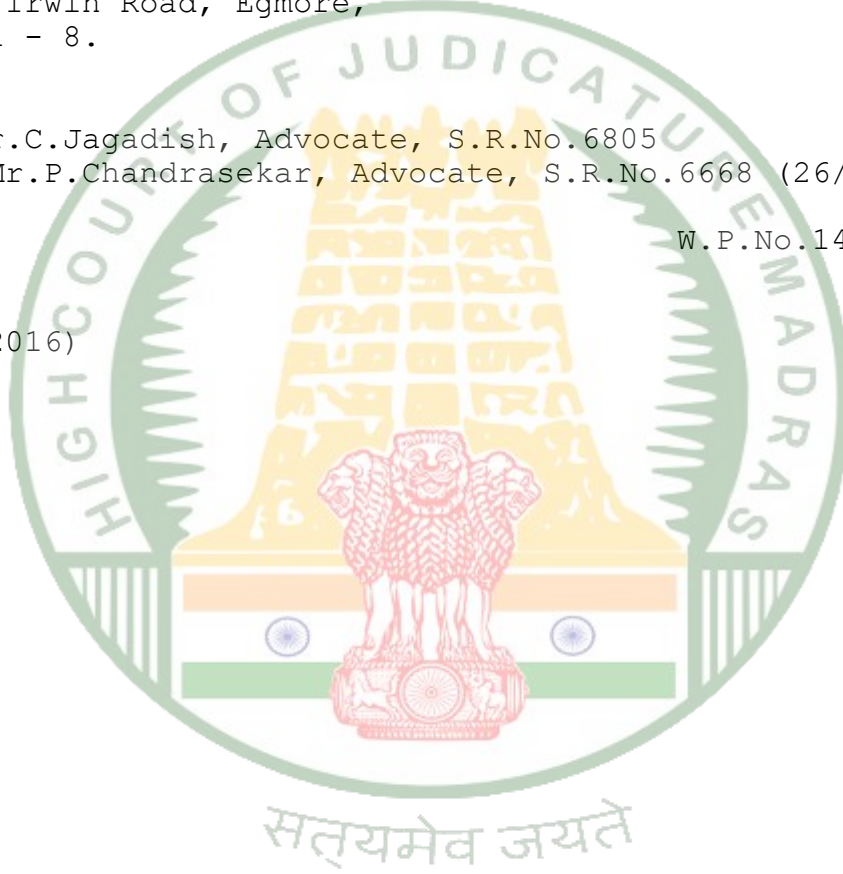
1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai - 8.

+1cc to Mr.C.Jagadish, Advocate, S.R.No.6805

+2ccs to Mr.P.Chandrasekar, Advocate, S.R.No.6668 (26/2/16)

W.P.No.14429 of 2015

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



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