

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.15565 of 2016
and WMP.No.13532 & 13608 of 2016,19496/2016
and Contempt Petition No.1662 of 2016

P.Sivagnanam

..Petitioner in W.P.15565/2016
and Cont.P.1662 of 2016

Vs.

- 1.The Secretary to Government
Housing and Urban Development
(UD-VI(2) Department, Secretariat,
Fort St.George, Chennai-600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-600 003.
- 3.The Regional Deputy Commissioner (South),
Regional (South)
Greater Chennai Corporation
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.
- 4.The Executive Engineer,
Chennai Corporation Zone-13,
Besant Nagar, Chennai-600 090.

5.R.Aarani

..Respondents in W.P.No.15565 of 2016

- 1.Dr.B.Chandra Mohan,
The Commissioner
Corporation of Chennai
Rippon Building
Chennai-600 003
- 2.Mr.A.Annadurai
The Regional Deputy Commissioner
(South)
Regional (South)
Greater Chennai Corporation

No.115, Dr.Muthulakshmi Salai
Adyar, Chennai-600 020

3.Mr.Sampath

The Executive Engineer
Chennai Corporation Zone-13
Besant Nagar, Chennai-600 090.

..Respondents in Contempt Petition No.1662/2016

Prayer in W.P.15565/2016:- Writ Petition filed praying to issue a writ of Certiorarified Mandamus to call for the records in G.O.(3D).No.53, dated 09.02.2016 passed by the 1st respondent and quash the same and consequently direct the respondents 2 to 4 to take appropriate consequential action against the 5th respondent.

Prayer in Cont.P.No.1662 of 2016 :- Contempt Petition filed to punish the contemnors respondents for their wilful disobedience of the orders of this court dated 27.04.2016 passed in W.P.NO.15565 of 2016.

For Petitioner
IN BOTH WP. & CONTEMPT
PETITIONS : Mr.R.Subramanian

For Respondents: Mr.A.Thiyagarajan, Senior counsel
for Mr.D.Senthilkumar for R5.in WP.15565/2016
Mrs.A.SRIJAYANTHI SPL.GP.FOR R1
IN WP.NO.15565/2016
Mr.A.NAGARAJAN FOR R2 TO R4 IN WP.15565/2016
Mr.A.NAGARAJAN FOR RESPONDENTS
IN CONT.P.NO.1662/16

ORDER

(Order of the Court was made by M.V.MURALIDARAN, J.)

Heard R.Subramanian, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Senior counsel appearing for the 5th respondent and Mr.A.Nagarajan, learned Standing counsel for the Corporation.

2. This Writ Petition is filed challenging order passed by the 1st respondent in G.O.(3D).No.53, dated 09.02.2016, wherein, the appeal filed by the 5th respondent under Section 80A of Tamil Nadu Town and Country Planning Act, 1971, has been allowed. Consequently, the Regional Deputy Commissioner (South) initiated a proceedings dated 02.03.2016 to the Zonal Officer, Zone-XIII, Adyar, stating as follows:-

"The appellant R.Arani has to furnish an affidavit/undertaking stating that Corporation of Chennai shall be re-course of enforcement action if the established width of road is more than the width of existing on ground proved beyond doubt that the petitioner has encroached on the road portion.

I will be liable to the above condition for removal of encroachment as referred in the Govt.Order, vide G.O.(3D).No.53, Housing and Urban Development [UD-VI(2)] Department dated 09.02.2016.

In view of the above you are requested to de-seal the premises at Door No.122, Bajanai Koil Street, Urur Kuppan, Besant Nagar, Chennai-600 090 as per the orders of the Government."

3. Taking into account all the above facts and circumstances of the case, the Corporation Authorities are directed to pass appropriate orders as per the direction made out by the Regional Deputy Commissioner (South) in his proceedings dated 02.03.2016, within 4 weeks from the date of receipt of a copy of this order, after affording opportunity to the petitioner as well as 5th respondent and by following due process of law.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMPs are closed.

5. In view of the order passed in W.P.No.15565 of 2016, no further order is necessary in the contempt proceedings. Accordingly, Cont.P.No.1662 of 2016 is closed.

nvsri

Sd/-
Asst.Registrar

/true copy/

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Sub Asst. Registrar

To

1.The Secretary to Government
Housing and Urban Development
(UD-VII(2) Department
Chennai-600 009

2.The Commissioner
Corporation of Chennai
Rippon Building
Chennai-600 003

3.The Regional Deputy Commissioner
(South)
Regional (South)
Greater Chennai Corporation
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai-600 020

4.The Executive Engineer
Chennai Corporation Zone-13
Besant Nagar, Chennai-600 090.

+ 1 CC TO W.M.ABDUL MAJEED, ADVOCATE SR 44479

+ 1 CC TO A.NAGARAJAN, ADVOCATE SR 44809

+ 1 CC TO THE GOVT.PLEADER, SR 44752

KR/6/9/16

Writ Petition No.15565 of 2016
and Cont.P.No.1662 of 2016

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