

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.34277 of 2014

and

M.P.No.1 of 2014

1.Nalini
2.K.Siva
3.T.Senthalir
4.M.Mahalakshmi ... Petitioners

-vs-

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai-600 008.
2.The Additional/Joint/Deputy Commissioner (Works)
Corporation of Chennai,
Chennai-600 003.
3.The Regional Joint Commissioner-cum-
The Deputy Commissioner of Corporation
of Chennai,
Zonal Office South (Adyar)
No.118, Dr.Muthulakshmi Salai,
Adayar, Chennai-600 020.
4.The Executive Engineer,
Zone XI, Corporation of Chennai,
No.123, Arcot Road,
Valasaravakkam, Chennai-600 087.
Chennai-600 087.
5.Alivenu
6.NBR Prasad ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to take action against the respondents 5 & 6 by demolishing the illegal construction put up in the petitioners property situated at Plot No.2, Sridevi Nagar 9th street, Alapakkam, Porur, Chennai-600 116.

For Petitioner : Mr.A.R.Nixon
For Respondents : Mr.N.Sampath for R1
Mr.R.Arunmozhi for R2 to R4
Mr.V.G.Guhan Murugan
for M/s.APR Associates for R5 & R6

ORDER

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

The petitioner's grievance of inaction against the respondent authorities really does not survive as in the Special Revision Petition filed by respondent Nos.5 and 6 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, orders were passed on 18.11.2015 and three months time was granted to the private respondents to bring the building in conformity with law. The learned counsel appearing for the said private respondents states that he has no instruction at present.

2. We are, thus, of the view that if respondent Nos.5 and 6 have already complied with the direction, no further action would be required. But if they failed to do so, the Corporation is free to deal with the unauthorised construction. To verify the position, an inspection be caused within fifteen days from today and if necessary action has not been taken, to proceed in accordance with law within a period of two months thereafter.

3. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai-600 008.

2.The Additional/Joint/Deputy Commissioner (Works)
Corporation of Chennai,
Chennai-600 003.

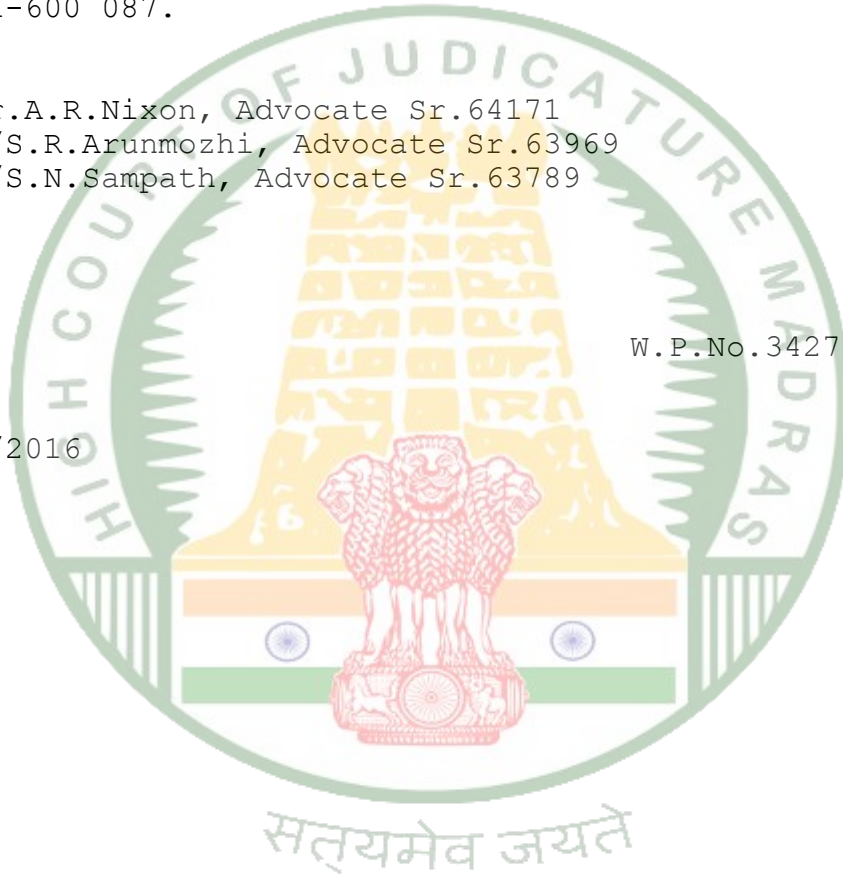
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4.The Executive Engineer,
Zone XI, Corporation of Chennai,
No.123, Arcot Road,
Valasaravakkam, Chennai-600 087.
Chennai-600 087.

+1cc to Mr.A.R.Nixon, Advocate Sr.64171
+1cc to M/S.R.Arunmozhi, Advocate Sr.63969
+1cc to M/S.N.Sampath, Advocate Sr.63789

W.P.No.34277 of 2014

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srg 15/11/2016



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