

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.Nos.25774 of 2014; 15790 & 15791 of 2015
and

M.P.Nos.1 of 2014 & 1 of 2015

W.P.No.25774 of 2014:

B.Jaishanthi

.. Petitioner

-vs-

1.The Member Secretary,
CMDA, Thalamuthu Natarasar Building,
Egmore, Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Chepauk, Chennai-600 005.

3.The Executive Engineer,
Zone-14, Corporation of Chennai,
16/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai-91.

4.S.Santhi

.. Respondents

W.P.No.15790 of 2015:

S.Santhi

.. Petitioner

-vs-

1.The Regional Joint Commissioner,
Office of the Regional Commissioner (South),
Enforcement Cell,
Corporation of Chennai,
Lattice Bridge Road,
Adyar, Chennai-600 020.

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2.The Executive Engineer (Enforcement Cell),
Corporation of Chennai,
Lattice Bridge Road,
Adyar, Chennai-600 020.

3.B.Jaishanthi

.. Respondents

W.P.No.15791 of 2015:

S.Santhi

.. Petitioner

-vs-

1.Corporation of Chennai,
rep. by its Executive Engineer,
(Enforcement),
Office of the Regional Commissioner (South)
Enforcement Cell, Lattice Bridge Road,
Adyar, Chennai-600 020.

2.B.Jaishanthi

.. Respondents

Writ Petition No.25774 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st and 2nd respondents to initiate action against the 4th respondent and stop the illegal construction in progress in Survey No.664/2, Plot No.22, Arumugam Street, Sri Ayya Nagar, Pallikaranai Village, Tambaram Taluk, Now Shozhinganallur Taluk, Kancheepuram District and demolish the illegal construction by passing orders on the petitioner's representations dated 03.09.2014.

Writ Petition No.15790 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to take immediate action following the representation of the petitioner dated 07.01.2015 against the 3rd respondent under Sections 56, 57 r/w Sections 85 and 47 of the Tamil Nadu Town and Country Planning Act, 1971 for demolition of illegal construction put up by the 3rd respondent in Plot No.21, Arumugam Street, Ayya Nagar, Pallikaranai, Chennai-600 100.

Writ Petition No.15791 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records in Letter No.DN 188/21/2014 dated 08.1.2015 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Justin
in W.P.25774/2014
&
Respondent No.3 in
W.P.15790/2015 &
Respondent No.2
in W.P.15791/2015

For Respondents : Mr.C.Johnson for R1 in
W.P.25774/2014

Mr.Arunmozhi for R2 & R3
in W.P.25774/2014;
Respondent Nos.1 & 2 in
W.P.15790/2015 &
Respondent No.1 in
W.P.15791/2015

Petitioner Mr.S.Sadhasaram for
petitioner in W.P.15790 &
15791/2015 and

Mr.S.Sadhasaram for
M/s.V.Kannan for
Respondent No.4 in
W.P.25774/2014

COMMON ORDER

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

The two neighbours have made allegation against each other of unauthorised construction. In both cases, the unauthorised construction and deviation have been found.

2. At request of the learned counsel for two private parties, one month time is granted to remove the unauthorised construction, whereafter, the Corporation will inspect the premises within fifteen days and in case, some unauthorised construction is still found, shall remove the same within a month thereafter at the costs of the respective private parties.

3. The writ petitions, accordingly, stand disposed of. No costs. Consequently, M.P.Nos.1 of 2014 & 1 of 2015 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Member Secretary,
CMDA, Thalamuthu Natarasar Building,
Egmore, Chennai-600 008.
- 2.The Commissioner,
Corporation of Chennai,
Chepauk, Chennai-600 005.
- 3.The Executive Engineer,
Zone-14, Corporation of Chennai,
16/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai-91.
- 4.The Regional Joint Commissioner,
Office of the Regional Commissioner (South),
Enforcement Cell,
Corporation of Chennai,
Lattice Bridge Road,
Adyar, Chennai-600 020.
- 5.The Executive Engineer (Enforcement Cell),
Corporation of Chennai,
Lattice Bridge Road,
Adyar, Chennai-600 020.

+3cc to Mr.R. Arunmozhi, Advocate, S.R.No.63971,63968 and 63967
+2cc to Mr.S. Sadashram, Advocate, S.R.No.63735
+3 cc to M/s. G. Justin, Advocate Sr.No.63727,63726 and 63725
+1 cc to Mr. G. Johnson, Advocate Sr.No.64007

sm (CO)
md (18/11/2016)

W.P.Nos.25774/2014
15790 & 15791/2015