

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.19277 of 2014

1.T.Ashok Kumar
2.P.R.Nagarajan
3.J.Rajadurai

.. Petitioners

-vs-

1.The Member Secretary,
Chennai Metropolitan Development Authority,
CMDA Office,
Thalamuthu Natarajan Buildings,
Egmore, Chennai-600 008.
2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
3.M.Vanitharani
4.S.Ramesh

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to take action forthwith to remove the unauthorised constructions and structures put up by the respondents 3 and 4 in violation, deviation and contravention of the approved Planning Permit and Building Plan at the premises, of RMS Homes, Temple View Apartments, Plot No.41, Santhosh Nagar, Puthagaram, Kolathur, Chennai-600 099, consequently, initiate forthwith Penal and Prosecution Proceedings and levy damages under the M.C.M.C. and C.M.D.A. Act and Rules against the respondents No.3 and 4 for the violations, deviations and contraventions committed against the Approved Planning Permit and Building Plan.

For Petitioner	:	Mr.S.R.Sundaram
For Respondents	:	Mr.K.Rajasrinivas for R1 Mr.K.Soundararajan for R2 Mr.V.V.Riridhar for R3

ORDER

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

The allegation of the petitioner in respect of the alleged unauthorised construction by the private respondent Nos.3 and 4 (the counsel for respondent No.3 denies any unauthorised construction itself, as she has sold the undivided share in the land to the petitioners), resulted in the first respondent issuing communication dated 27.03.2013 to the Commissioner, Corporation of Chennai/respondent No.2 and the Executive Engineer, Zone VI, Corporation of Chennai requiring necessary action.

2. It appears that the Corporation slept over the matter and did nothing till 04.11.2016. The excuse given is that the letter was addressed to Zone-VI, while it related to Zone-III. This excuse is not acceptable, as the letter was also addressed to the Commissioner, Corporation of Chennai and if it did not pertain to Zone-VI, then the Executive Engineer ought to have forwarded to the concerned Zone. The concerned authority has obviously slept over the matter and the Commissioner present in Court assures this Court that appropriate administrative action would be taken to fix the responsibility on the delinquent officers and they shall be proceeded with on the administrative side.

3. The Corporation now having commenced the action, shall proceed in accordance with law, after notice to all concerned and conclude the matter within a maximum period of three months of the receipt of the copy of this order.

4. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

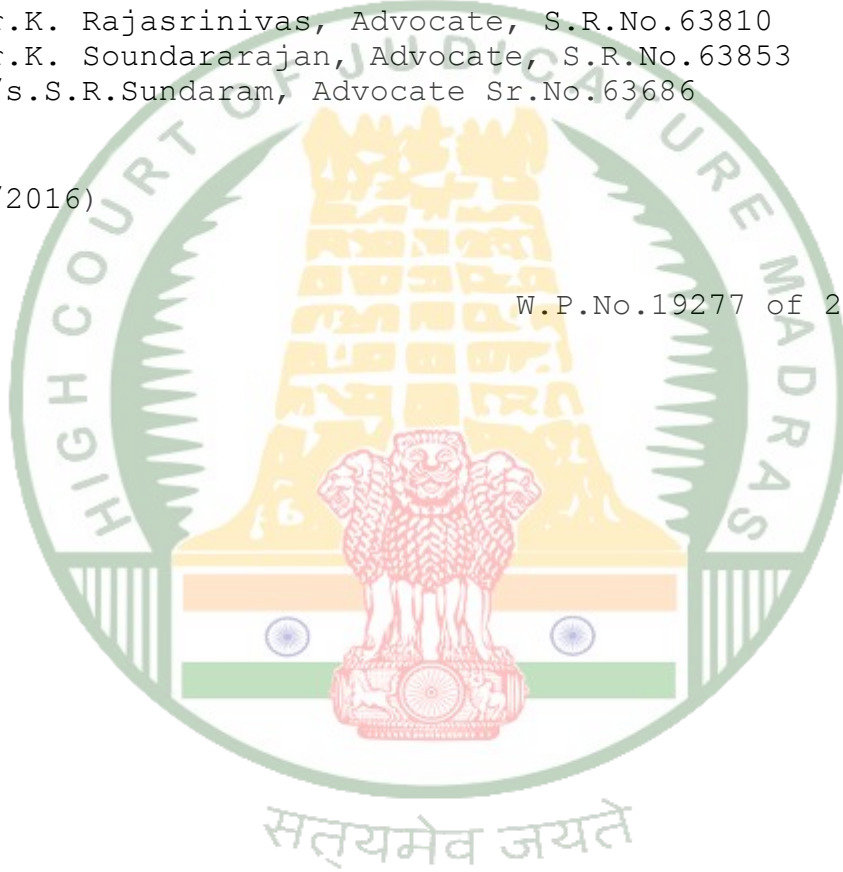
1.The Member Secretary,
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Egmore, Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.

+lcc to Mr.K. Rajasrinivas, Advocate, S.R.No.63810
+lcc to Mr.K. Soundararajan, Advocate, S.R.No.63853
+lcc to M/s.S.R.Sundaram, Advocate Sr.No.63686

mv (CO)
md (17/11/2016)

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