

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No. 30977 of 2015

Syed Masood Ahamed Saheb

..Petitioner

vs.

1. The Commissioner,
Chidambaram Municipality,
Chidambaram.

2. S.K.B. Ameer Basha

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first respondent herein to seal and demolish the unauthorised superstructure put up on the property bearing old No.26, New No.60 West Car Street, Chidambaram, comprised in T.S.No. 762, Block No.12, Ward No.2 within a reasonable time.

For petitioner : Mr. S. Jayasankar

For respondents : Mr. P. Chinnadurai - R1
Mr. R. Ramesh

for

Mr. Srinath Sridevan - R2

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. It is submitted by the learned counsel for the first respondent that a notice was issued under Section 216 (1) (2) of the Tamil Nadu District Municipalities Act, 1920 (for short "the Act") calling upon the second respondent to remove the unauthorised construction put up by him. Thereafter, a confirm notice, as required, was issued under Section 216(3) of the Act to the second respondent.

3. Seemingly, the officers, after issuing the aforestated notices, closed the file without verifying whether the alleged unauthorised construction put up by the second respondent was removed or not. It is a matter of unholy alliance betwixt the respondents. The petitioner, noticing the aforestated lackadaisical attitude of the authorities, particularly the first respondent, viz., the Commissioner, Chidambaram Municipality, came up with the instant writ petition, seeking a direction to the first respondent to take action against the alleged unauthorised construction put up by the second respondent on the property bearing Old No.26, New No.60 West Car Street, Chidambaram, comprised in T.S.No. 762, Block No.12, Ward No.2.

4. Pursuant to the notice dated 24 November 2015 ordered by this court, the first respondent issued one more notice under provisions of Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 on 21 December, 2015 for locking and sealing of the building. It is submitted that consequential action shall be taken within the prescribed statutory period, if the unauthorised construction/deviation is not removed/rectified.

5. The learned counsel appearing for the second respondent also submits that in the meantime, the second respondent had taken steps pending the instant writ petition, seeking planning permission.

6. We are not disposed to make any observation in this respect as the second respondent was noticed from the year 2014 regularly for removal of the unauthorised structure put up by him. However, he has shown utter disregard and disrespect to the law.

7. As a sequel, the first respondent is directed to take consequential action on merits and in accordance with law, within the statutory period prescribed under the provisions of the Tamil Nadu Town and Country Planning Act.

8. The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

1. The Commissioner,
Chidambaram Municipality,
Chidambaram.

+1 C.C. To MR.S.Jayasankar, Advocate SR.No. 2650.

+1 C.C.to MR.P.Chinnadurai, Advocate SR.No. 2622.

+1 C.C. To MR.Srinath Sridevan, Advocate SR.No. 2868.

W.P. No.30977 of 2015

GR (CO)
MSR 09.02.2016



WEB COPY