

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.11815 of 2013

T.Loganathan ... Petitioner

-vs-

1.The Member Secretary,
Chennai Metropolitan Development
Authority, Chennai.

2.The Commissioner/Member Secretary,
Kundrathur Panchayat Union,
Padappai 601 301.

3.The President,
Iyyappanthangal First Grade Village
Panchayat, Chennai 600 056.

4.Sivasankaran ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 3 to prevent the 4th respondent to develop further in pursuance of 2nd respondent's proceedings Na.Ka.No.1250/2013/A3 dated 14.03.2013 and consequently proceed against the 4th respondent under the provisions of the Tamilnadu Town and Country Planning Act, 1971.

For Petitioner : Mr.U.M.Ravichandran
For Respondents : Mr.N.Sampath for R-1
: Mr.P.Radhakrishnan
for M/s.Hemalath Gajapathy for R4
: No appearance for RR 2 and 3

O R D E R

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

The petitioner alleges unauthorised construction by the fourth respondent. Learned counsel for the second respondent states that stop work notice was issued as it was found that there were violations of the planning permission, but the accepted position is that despite the same being issued in 2013, the construction has been completed. The case of the fourth respondent is that he never received notices and the building is already completed and is according to sanction plan.

2.Learned counsel for the fourth respondent has, thus, no objection if the premises are inspected by the second respondent to verify whether the construction is as per planning permission and if anything is found beyond the planning permission, he states that the same can be demolished.

3.We, accordingly, direct the inspection of the premises of the fourth respondent within fifteen (15) days from today and if any planning violation is found, it would be notified to the fourth respondent to remedy the position within one (1) month from the date of receipt of the intimation, failing which the second respondent would do the needful, if required with police assistance, unhindered by the fourth respondent, within the expiry of that one month period of re-inspection.

4.Learned counsel for the fourth respondent states that the petitioner who has approached the Court has no building planning permission. In view of the judgment of the Division Bench of this Court in Consumer Action Group, Rep. By its Trustee vs. State of Tamil Nadu and Others, 2006 (4) CTC 483, a person approaching the Court is equally required to come with clean hands and thus, a similar exercise be undertaken even for the property of the petitioner by the second respondent authority within the same time period.

5.Writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Member Secretary,
Chennai Metropolitan Development
Authority, Chennai.
- 2.The Commissioner/Member Secretary,
Kundrathur Panchayat Union,
Padappai 601 301.
- 3.The President,
Iyyappanthangal First Grade Village
Panchayat, Chennai 600 056.

+1cc to Mr.U.M. Ravichandran, Advocate, S.R.No.64790

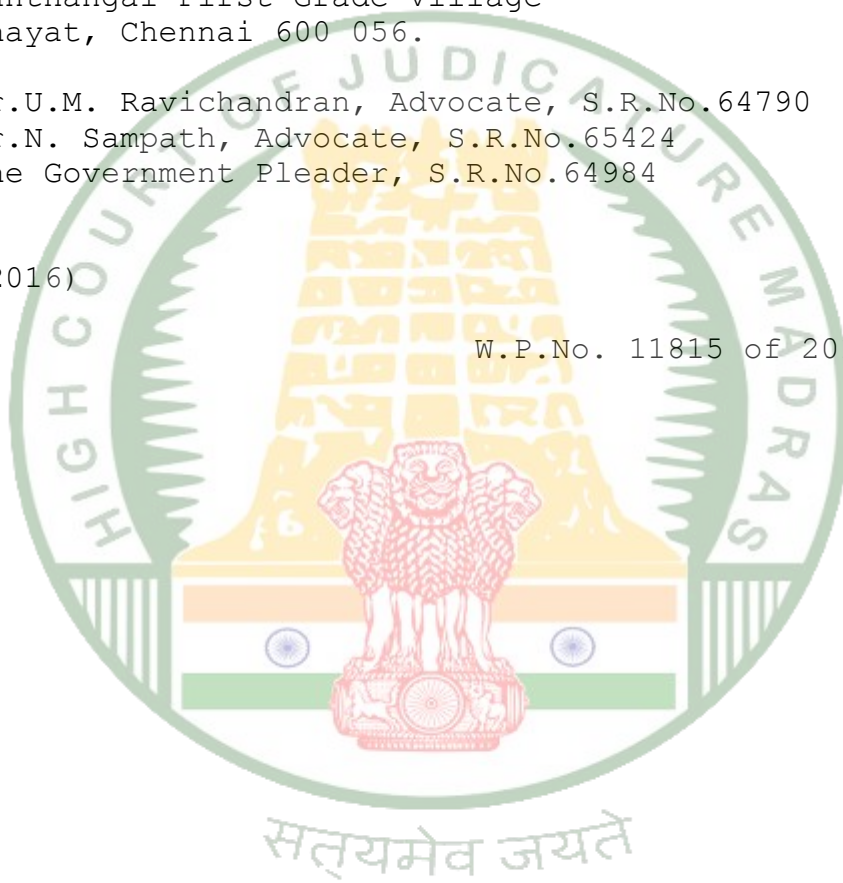
+1cc to Mr.N. Sampath, Advocate, S.R.No.65424

+1cc to the Government Pleader, S.R.No.64984

nrjk(CO)

md(25/11/2016)

W.P.No. 11815 of 2013



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