

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.37648 of 2015

L.Viswanathan .. Petitioner

Vs.

1.S.Sivakumar

2.The Zonal Officer,
Zone VI,
Chennai City Municipal Corporation,
Ayanavaram, Chennai - 23.

3.The Executive Engineer,
Town Planning Enforcement (Central Region),
2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 30.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the second and third respondents to take proper action consequent to the notice issued by the third respondent dated 15.10.2014 in its No.Region Central/TPENF/10832/2014 dated 15.10.2014 to demolish the unauthorised construction made by the first respondent within a reasonable period as may be fixed by this Court.

For Petitioner .. Mr.T.Ranganathan

For Respondents .. Mr.T.N.Sugesh for R1
Mr.A.Nagarajan for R2 & R3

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.The petitioner, who is stated to be a resident of the area in question, has come up with this writ petition, seeking a direction to the official respondents to take action for the alleged illegal unauthorised construction made by the first respondent at Door No.13, Patel Road, Perambur, Chennai.

3.In response, the second respondent has filed the counter affidavit stating that the site inspection was done on 14 December 2015 and deviations were found to the extent of 148.5 sq.m. in the ground floor and 108 sq.m. in the first floor. Accordingly, a statutory notice under Sections 56 and 57 r/w 85 of the Tamil Nadu Town and Country Planning Act, 1971, was issued on 14 December 2015 and was received on 16 December 2015. On receipt of the notice, the first respondent has produced the plan and also made a representation.

4.Learned Standing Counsel appearing for the Corporation of Chennai/respondents 2 and 3 submits that the plan along with representation will be considered immediately and thereafter, if necessary, consequential action in accordance with law, within the time specified under the provisions of the Act will be taken.

5.In view of the above submission made by the learned standing counsel appearing for respondents 2 and 3, it is ordered accordingly.

6.Learned counsel appearing for the first respondent also submits that the plan has been produced before the authorities and if it is found that still there is some deviation, the first respondent will remove the deviated portion immediately.

7.With the above observation, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

To

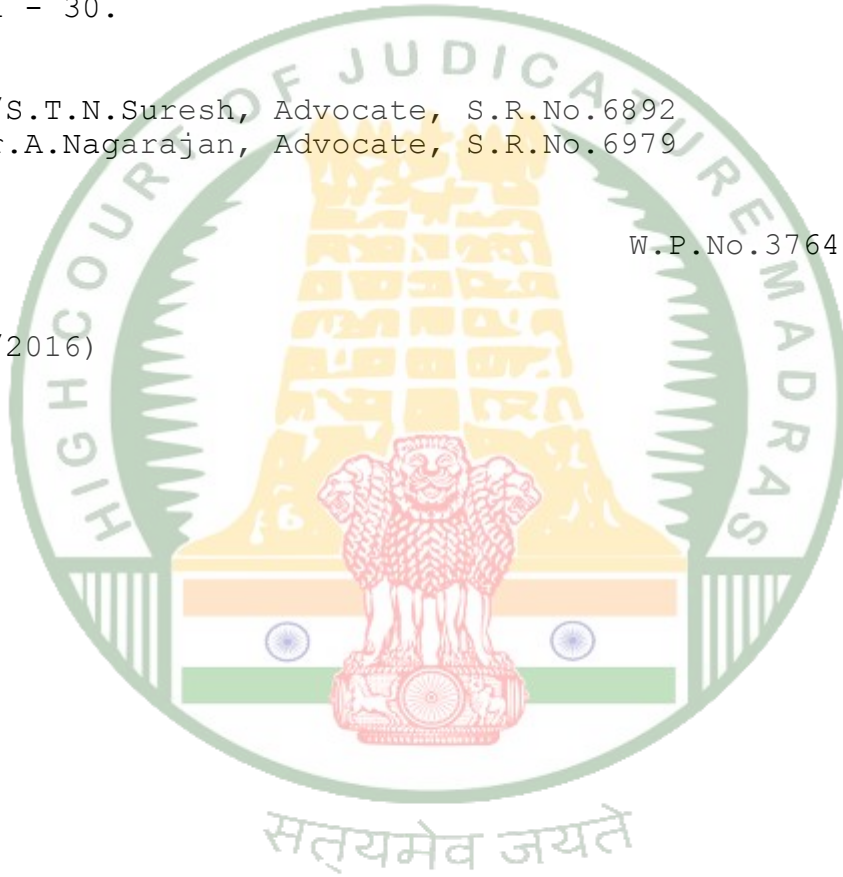
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+1cc to M/S.T.N.Suresh, Advocate, S.R.No.6892
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.6979

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vd(CO)
srg(16/02/2016)



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