

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.2172 of 2016 and W.M.P. No.1873 of 2016

1 S. Kalaiselvi
2 Ramarathinam
3 P. Bernie
4 Sheila Raj
5 R.B. Srinivasan
6 A. Cletus

Petitioners

Vs.

1 The Member Secretary
Chennai Metropolitan Planning Authority
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road
Egmore, Chennai 600 006

2 The Commissioner
Chennai Corporation
Ripon Buildings
Chennai 600 003

3 The Assistant Commissioner
Zone 10, Adyar
Dr. Muthulakshmi Road
Adyar
Chennai 600 020

4 M. Mohan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to forthwith take action against the illegal constructions carried out in the building called SAMUDRA situated in Door No.T-27, 7th Avenue, Besant Nagar, Chennai 600 090 and ensure that the said developments and constructions contrary to the sanctioned plan are removed within a time frame.

For petitioner : Mr. P. Srinivas

For R1 : Mr. N. Sampath
Standing Counsel

For RR 2 & 3 : Mr. R. Arunmozhi
Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sampath, learned Standing Counsel, accepts notice for the first respondent. Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 2 and 3. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no adverse order is passed against him, in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Standing Counsel for the official respondents, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 3 to forthwith take action against the illegal constructions carried out in the building called "SAMUDRA" situated in Door No.T-27, 7th Avenue, Besant Nagar, Chennai 600 090 and ensure that the said developments and constructions, contrary to the sanctioned plan, are removed within a time frame.

3 The petitioners and the fourth respondent are inmates of the same apartments. The petitioners have a grievance against the fourth respondent. According to the petitioners, the fourth respondent is making illegal and unauthorised constructions sans planning approval by the authorities, causing hindrance and nuisance to other co-residents. They have made a representation to the authorities concerned on 09 December 2015, seeking removal of the alleged illegal and unauthorised constructions. However, no action has been initiated thereon. Hence, this writ petition.

4 The learned Standing Counsel for Chennai Metropolitan Development Authority and also the learned Standing Counsel for Chennai Corporation, submit that necessary enforcement action, on proper spot inspection and verification, will be taken within a period of four weeks from today.

5 In view of the above submission of the respective learned Standing Counsel, it is ordered accordingly. Needless to state that the fourth respondent, who is not noticed, at this stage, is entitled to an opportunity of hearing before any adverse action, if need be, is taken against him.

The writ petition stands disposed of with the above observation sans costs. Connected W.M.P. is closed.

Cad

Sd/-
Assistant Registrar (CO)

/TRUE COPY/

Sub-Assistant Registrar

To

1 The Member Secretary
Chennai Metropolitan Planning Authority
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road
Egmore, Chennai 600 006

2 The Commissioner
Chennai Corporation
Ripon Buildings
Chennai 600 003

3 The Assistant Commissioner
Zone 10, Adyar
Dr. Muthulakshmi Road
Adyar, Chennai 600 020

+1CC to MR.P.SRINIVAS, Advocate SR.NO.3647
+1CC to MR.N.SAMPATH, Advocate SR.NO.3955
+1CC to M/S.R.ARULMOZHI, Advocate SR.NO.3819

W.P. No.2172 of 2016

KK (CO)

MK : 02/02/2016

सत्यमेव जयते
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