

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.38272 of 2015
and
W.M.P.No.31633 of 2016

Anand J Danani

... Petitioner

-Vs-

1. The Director,
Town and Country Planning Authority,
4th Floor, Chengalvarayan Building,
No.807, Anna Salai,
Chennai-600 002.
2. The Tahsildar,
Thiruporur Taluk Office,
Chengalpet Road,
Thiruporur-603 108.
3. The President,
Thiruporur Panchayat Union,
Muttukadu-603 112.
4. The Member Secretary,
Tamil Nadu Coastal Regulatory Zone Management
Authority and Director of Environment,
Ground Floor,
Panagal Building,
Saidapet, Chennai-600 018.
5. District Coastal Zone Management Authority,
rep. by District Environment Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar,
Kancheepuram District-603 209.
6. Government of Tamil Nadu,
rep. by its Secretary,
Department of Environment,
Fort St. George, Chennai-600 009.

7. Member Secretary,
Local Planning Authority,
Mamallapuram,
Kanchipuram District - 603 104.

8. Precision Carbonates P Ltd.,
rep. by its Director,
502, C Block, Shivalaya Building,
Ethiraj Salai, Egmore,
Chennai-600 008.

... Respondents

(Respondent Nos.7 and 8 impleaded as per the
order dt. 11.8.2016 in WMP.Nos.24202 & 24203 of 2016)

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to investigate the complaints dated 20.05.2015 and 30.08.2015 filed by the petitioner in respect of the construction activity being caused on the land along the shoreline situate to the east of Survey No.106/8, Muttukkadu village No.36, Chengalput Taluk, Chengalput District by unknown persons and restrain such persons from undertaking any activity in the said area as the construction is violative of the petitioner's fundamental right, and order the removal of the unauthorized signage and order demolition of the unauthorized constructions put up by the unknown occupants in the area as described above.

For Petitioner : Ms.Mythili Rajesh
for
M/s.T.K.Bhaskar

For Respondents : Mr.M.K.Subramanian
Government Pleader for R1 & R2

Mr.M.Santharaman

Special Government Pleader
for R4 & R6

Mrs.Rita Chandrasekar for R5

Mr.R.Vijayakumar
Additional Government Pleader
for R3 & R7

No Appearance for R8

ORDER

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

The learned Additional Government Pleader appearing for the Local Planning Authority/respondent No.7 has produced the site plan and now confirms that the petitioner as well as respondent No.8 have patta lands. He submits that steps were taken to inform respondent No.8 about the proceedings today. But still none appears for respondent No.8.

2. The learned Additional Government Pleader for respondent No.7 states that notice has been issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, in view of the construction being unauthorised. But the learned counsel for the petitioner refers to the photographs of the site taken on 05.11.2016 and placed on record, which show ongoing construction.

3. It is directed that respondent No.8 shall not carry on any construction in his patta land since no sanction exists. Respondent No.7 to also take steps to issue lock and seal notice and ensure compliance of the order of this Court, whereafter, it is for the eighth respondent to work out its remedies.

4. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.31633 of 2016 is dismissed as infructuous.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Town and Country Planning Authority,
4th Floor, Chengalvarayan Building,
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6. The Secretary,
Department of Environment,
Fort St. George,
Chennai-600 009.
7. The Member Secretary,
Local Planning Authority,
Mamallapuram,
Kanchipuram District - 603 104.

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.65062

+1cc to M/s.Mythili Associates, Advocate, S.R.No.64829

+1cc to the Government Pleader, S.R.No.64978

W.P.No.38272 of 2015

SM(CO)
CA(01/12/2016)

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