

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

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

W.P.No.38555 of 2015

K.B. Rajendran

.. Petitioner

Vs.

- 1 The Member Secretary
Chennai Metropolitan
Development Authority
(CMDA) Thalamuthu Natarajan
Building No.1 Gandhi Irwin Road
Egmore Chennai - 600 008
- 2 The Commissioner
Corporation of Chennai Ripon Building
Chennai -600 003
- 3 The Tahsildar
Office of Ayanavaram Taluk Ayanavaram
Chennai - 600 023
- 4 The Police Commissioner
Office of Commissioner of Police
Egmore Chennai - 600 008
- 5 Tmt. M.C.Thannarasi alias
Thennagam W/o.M.C. Sekar
O.No.25 New No.34
Dr.Ambedkar first Street
Chennai - 600 049
- 6 Mr.Muthuraman .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the first and second Respondent-herein to take immediate appropriate action in accordance with law on the illegal unlawful and unauthorised constructions i.e. ground and first second and third floors put up by the 5th and 6th respondents and also

violated the set-backs which are laid down in the Town and Country planning act 1971 and also allowed the 5th and 6th respondents to grab the road land-extents and petitioners land-extents in T.S.No.24 Block No.61 Konnur Village Villivakkam Chennai - 600 049 by violating the Honourable High Court directions in W.P.No.13169 of 2015 Dated 21.9.2015 upon the Petitioners representation dated 7.2.2015.

For Petitioner : Mr. K.B.Rajendran
Party-in-Person

For Respondents: Mr. K. Rajashrinivas - R1

Mr. A. Nagarajan - R2
Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R3 & R4

Mr. R. Muthukumarasamy
Sr. Counsel
for
Mr. S. Mohanasundararajan - R5 & R6

ORDER

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

Heard the learned counsel for the parties.

2 This writ petition is filed seeking a direction to the respondents 1 and 2 to take immediate appropriate action in accordance with law on the illegal, unlawful and unauthorised constructions i.e. ground and first, second and third floors put up by the 5th and 6th respondents and also violated the set-backs which are laid down in the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") by violating the directions of this Court vide order dated 21 September 2015 in W.P.No.13169 of 2015.

3 Pursuant to the notice ordered by this Court on 08 December 2015, counter affidavit has been filed by the second respondent stating that the fifth respondent was served a notice calling for approved plan dated 18 December 2015 under Sections 56 and 57 read with Section 85 of the Act, which was received by her on 29 December 2015 and followed by the said notice, locking, sealing and demolition notice dated 05 January 2016 was also issued to her under the very same provisions. It is further stated that consequential action shall be taken in accordance with the provisions of law.

4 The learned Senior Counsel appearing for respondents 5 and 6 submits that an appeal has been preferred by respondents 5 and 6 before the Housing and Urban Development Department on 25 January 2016, seeking a direction to respondents 1 and 2 to grant approval for the construction made by them and the unauthorised portion of the premises will be kept under lock and seal after removing the belongings within a period of one week.

5 In view of the submissions made by the learned senior counsel appearing for the respondents 5 and 6, without going into the merits of the case, the respondents 5 and 6 are permitted to remove their belongings within a period of one week and thereafter, lock and seal the unauthorised portion of the premises under the seal of the Corporation in the presence of the officials concerned. Further, it is made clear that the respondents 1 and 2 are at liberty to proceed with the matter in accordance with law and on its own merits.

This writ petition is disposed of with the above directions. No costs. Connected Injunction Petition is closed. In view of the above order passed in the writ petition, no order is required to be passed in WMP No.5547 of 2016 filed for impleadment.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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Egmore Chennai - 600 008

2 The Commissioner
Corporation of Chennai Ripon Building
Chennai -600 003

3 The Tahsildar
Office of Ayanavaram Taluk Ayanavaram
Chennai - 600 023

4 The Police Commissioner
Office of Commissioner of Police
Egmore Chennai - 600 008

+ 1cc to Mr.K. Raja Shrinivas, Advocate, S.R.No.10932
+ 2ccs to Mr.K.B. Rajendran, Advocate, S.R.No.10828
+ 1cc to A. Nagarajan, Advocate SR.10894
+ 1 cc to M/s. S. Mohana Sundararajan, Advocate SR.11089
+ 1 cc to Mrs. Karthikaa Ashok, Advocate Sr.11413
+1cc to the Government Pleader, S.R.No.11446

SAI (CO)
EU(08/03/2016)

W.P.No. 38555 of 2015



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