

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.4398 of 2015

Dr.K.R.Natarajan

.. Petitioner

-vs-

1.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

2.The Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam, Chennai-600 108.

3.The Assistant Director of Town Panchayats,
Kancheepuram Zone,
District Collectorate, Kancheepuram.

4.The Commissioner,
Sembakkam Municipality,
Sembakkam,
Chennai-600 073.

5.Hemamalini Kumaran

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the fourth respondent to take appropriate action as per the petitioner's representation dated 28.11.2012 to the erstwhile Executive Officer, Sembakkam Town Panchayat, followed by the petitioner's reminders dated 14.2.2013 and 30.3.2013 to the erstwhile Executive Officer, Sembakkam Town Panchayat, in the matter and petitioner's Lawyer's Notice dated 7.3.2014 to the fourth respondent in the matter, against the illegal and unauthorised constructions put up by the fifth respondent, in the property at Plot Nos.149 and 150, Second Cross Street, Heritage Jayendra Nagar, Sembakkam, Chennai-600 073.

For Petitioner : Mr.B.K.Sreenivasan
For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1 to R3
Mr.P.Srinivas for R4
Mr.Joythirmani for
Mr.K.Balu for R5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)
We have heard the learned counsel for parties and perused the pleadings.

2. The counter-affidavit of the fourth respondent/Sembakkam Municipality shows that the only aspect is approval or NOC from the Archaeological Department which was required to be obtained by respondent No.5, which is still awaited. The Municipality, apart from this, does not find any illegality.

3. Respondent No.5 to take necessary steps to obtain the NOC from the Archaeological Department and submit to the Commissioner, Sembakkam Municipality for verification with an inspection at site and needful be done by respondent No.5 within a maximum period of two months of the receipt of the copy of this order, whereafter, if there is still some illegality, the Commissioner, Sembakkam Municipality will proceed in accordance with law.

4. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

- 1.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
- 2.The Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam, Chennai-600 108.
- 3.The Assistant Director of Town Panchayats,
Kancheepuram Zone,
District Collectorate, Kancheepuram.

4.The Commissioner,
Sembakkam Municipality,
Sembakkam,
Chennai-600 073.

+1cc to Mr.B.K. Srinivasan, Advocate, S.R.No.64442
+1cc to Mr.P. Srinivas, Advocate, S.R.No.64584
+1cc to Mr.K.Balu, Advocate Sr.No.63864

mv (CO)
md (17/11/2016)

W.P.No.4398 of 2015



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