

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.26658 of 2016

Dr.K.Subramanian

.. Petitioner

Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Road
Egmore, Madras - 8.
2. The Regional Deputy Commissioner (Central)
Door No.36B, 2nd Cross Street
Pulla Avenue, Shenoy Nagar
Chennai - 600 030.
3. The Commissioner
Corporation of Chennai
Ripon Building, Chennai - 600 003.
4. The Zonal Officer - Zone X
64, NSK Salai, Kodambakkam
Chennai - 600 024.

5. B.Rajendran

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 4 to remove the unauthorized construction in Srivari Enclave, Stilt Floor, Car Parking at Old No.10, New No.47, First Avenue, Ashok Nagar, Chennai - 600 083.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.K.Rajasrinivas
for 1st respondent

Mr.V.C.Selvasekaran
for respondents 2 to 4

Mr.Mohan
for 5th respondent

ORDER

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

The petitioner's grievance was that the common stilt area meant for car parking was converted into a private office by the fifth respondent and he also constructed a small structure and gave it for rent to Bank for ATM.

2. It is stated now that insofar as the office area is concerned, the same has been removed, but the ATM continues to exist.

3. The aforesaid existence of ATM is not disputed by the fifth respondent, who for some reason feels he can have an ATM in a common car parking area.

4. The CMDA/first respondent has already issued a notice dated 9.12.2016 to the fifth respondent post inspection on the same date, observing that the ATM room has been unauthorizedly constructed in the car parking area in the stilt floor.

5. The learned counsel for the fifth respondent states that he now proposes to assail this notice by filing a special revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971.

6. We are of the view that the same would be for the appellate authority to decide, but it will be for the fifth respondent to establish how in a common area he can have any construction or install the ATM, as common area is meant for all the occupants of the building.

The petition is accordingly closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The Member Secretary
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+1cc to Mr.V.Raghavachari, Advocate Sr.72737
+1cc to Mr.K.Rajasrinivas, Advocate Sr.72891
+1cc to Mr.R.Mohan, Advocate Sr.72743

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srg 23/12/2016

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