

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.3787 of 2012

K.Raju .. Petitioner

-vs-

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Madras-600 008.

3.A.Anwardeen,
Prop. M/s.Gani Dental Lab,
New No.36, Old No.27, Bharathi Street,
Gandhi Nagar,
Saligramam,
Chennai-600 093.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to take action in pursuance of the order passed by the first respondent with relating to the violation of the plan as mentioned in ZO VIII/AHO VIII/C No.H1/305/2004, dated 11.07.2005 and to take action as per the provision of CCMC Act after affording opportunity to the petitioner and the third respondent.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.V.C.Selvasekaran for R1
Mr.N.Sampath for R2
Mr.K.Sridhar for R3

* * * * *

ORDER

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

On hearing the learned counsel for parties, two aspects emerge - (i) the issue of license obtained by the third respondent; (ii) the allegation of an unauthorised construction by the third respondent.

2. In so far as the first aspect is concerned, a civil suit was filed by the petitioner against the third respondent and the Licensing Authorities seeking cancellation of the license, which was decreed and the first appeal filed is stated to have been dismissed only on 05.11.2016. The learned counsel for the third respondent states that he proposes to take necessary action to file the second appeal.

3. As far as the second aspect is concerned, it is stated that the petitioner has also filed a suit in this behalf, in which after initial grant of interim orders, the same was vacated with permission to the third respondent to construct in accordance with law, and the question of legality of the construction is sought to be raised by the petitioner.

4. In view of the judgment of the First Bench of this Court in Consumer Action Group, rep. by its Trustee, Tara Murali, No.7, 4th Street, Venkateswara Nagar, Adyar, Chennai-20 and others v. The State of Tamil Nadu, rep. by its Secretary to Government, Law Department, Fort St. George, Chennai-9 and others, reported in 2006 (4) CTC 483, let respondent No.1 carry out an inspection of the premises of both the petitioner and respondent No.3 and in case any unauthorised construction is detected in either of the properties, to take action in accordance with law, after notice to all concerned. The exercise be completed within a period of three months of the date of receipt of the copy of this order and the inspection be carried out within fifteen days of the receipt of the copy of this order.

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

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Madras-600 008.

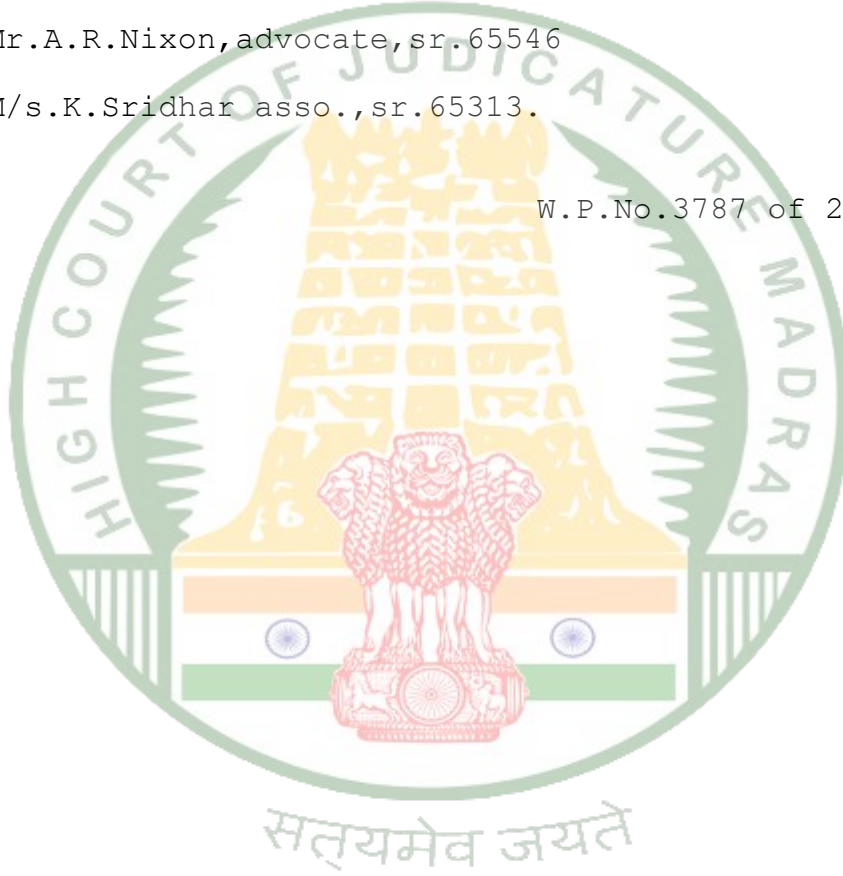
+1 cc to M/s.N.Sampath,advocate,sr.65425

+1 cc to Mr.A.R.Nixon,advocate,sr.65546

+1 cc to M/s.K.Sridhar asso.,sr.65313.

sai(co)
krd 28/11

W.P.No.3787 of 2012



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