

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.30554 of 2016

&

WMP.No.26496 of 2016

L.R.Raja

.. Petitioner

-vs-

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

2. The Secretary to Government
Housing & Urban Development Department
Fort St.George
Chennai 600 009

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first and second respondents herein not to take any coercive steps with respect to the petitioner's building situate at Plot No.922 & 923, Bazaar Road, Ram Nagar Extension, Madipakkam, Chennai 600 091, pending disposal of the petitioner's representation dated 11.08.2016 on merits.

For Petitioner :: Ms.Swarnam J.Rajagopalan

For Respondents:: Mr.K.Raja Shrinivas for R1
Ms.M.Lalitha
Government Advocate for R2

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

The petitioner has sought for issuance of a writ of mandamus, directing the first and second respondents herein not to take any coercive steps with respect to the petitioner's building situate at Plot Nos.922 & 923, Bazaar Road, Ram Nagar Extension, Madipakkam, Chennai 600 091, pending disposal of the petitioner's representation dated 11.08.2016 on merits.

2. Heard the learned counsel for the petitioner. Mr.K.Raja Shrinivas, learned standing counsel is directed to take notice for the first respondent and Ms.M.Lalitha, learned Government Advocate is directed to take notice for the second respondent.

3. The case of the petitioner is that he had constructed stilt plus two floors in the commercial building at Plot Nos.922 & 923, Bazaar Road, Ram Nagar Extension, Madipakkam, Chennai after obtaining planning permission from the authorities and has leased out the same to his tenants. However, alleging certain violations, a notice is said to have been issued by the first respondent to remove the unauthorised construction. Since the petitioner failed to remove the unauthorised construction, the premises came to be sealed earlier. However, pursuant to the order of this Court, the first respondent had de-sealed the premises to enable the petitioner to carry out the demolition of the unauthorised portion. The submission of the learned counsel for the petitioner is that as per the direction issued, he has demolished the unauthorised construction and has also sought for some concession to be extended to him vide his representation dated 11.8.2016. As the said representation has not been considered, he is before this Court.

4. It is for the respondent authority to consider the grievance of the petitioner and to do the needful in accordance with law within a period of two months from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.26496 of 2016 is closed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

To

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

2. The Secretary to Government
Housing & Urban Development Department
Fort St.George Chennai 600 009

+1 cc to M/s.K.Raja shrinivas,advocate,sr.49709.

+1 cc to Govt.Pleader,sr.50498.

krd 16/9

W.P.No.30554 of 2016