

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.34152 of 2016
and
W.M.P No.29477 of 2016

Lake Area Residents Association
Rep. by its President, Chennai. ...Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Secretary
Housing and Urban Development Dept.
Fort St. George,
Chennai - 600 009.

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

3. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.

4. K.B. Edison
EDI Builders
No.4, 7th Street, Nungambakkam
Chennai- 600 034. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 2 and 3 to forthwith implement the orders of the 1st respondent in letter No. 12403/UD-VI(1)/2016-3 dated 19.08.2016 by ensuring that the building situated at No.4, 7th Street, Lake Area, Nungambakkam, Chennai - 600 034 is discontinued from being put to use by the 4th respondent and pass further orders.

For Petitioner : Mr.Adithya Reddy

For Respondents : Mr.D.Selvam, GA for R1
Mr. K.Raja Shrinivas for R2
Mr. A.Nagarajan for R3

ORDER

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

With the consent of all the parties, the writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition is filed praying to issue a Writ of Mandamus to direct the respondents 2 and 3 to forthwith implement the orders of the 1st respondent in letter No. 12403/UD-VI(1)/2016-3 dated 19.08.2016 by ensuring that the subject building is discontinued from being put to use by the 4th respondent.

3. Pursuant to the order issued by this Court in the W.P. No.6975 of 2013, the fourth respondent approached the first respondent by filing a revision petition and also obtained an order of interim relief protecting the property, till the disposal of the revision petition filed by him before the first respondent. On 22.08.2016, the first respondent has dismissed the appeal of the fourth respondent. Hence, the petitioner, members of the Association, are before this Court, to execute the order.

4. It is the case of the petitioner that the fourth respondent had obtained permission to put up a residential house but, however, is using the building for commercial activities by running a Church cum Kalyana Mandapam. Since the same is causing lot of inconvenience to the members of the petitioner Association and in view of the violation of the planning permission granted, the petitioner is before this Court to execute the order passed by the 1st respondent.

5. Heard Mr.Adithya Reddy, learned counsel for the petitioner and Mr.D. Selvam, Government Advocate for the first respondent, Mr. K. Raja Shrinivas for the second respondent and Mr. A. Nagarajan for the third respondent, who accepts notice on behalf of the respondents.

6. It is submitted that the second respondent CMDA had already dismissed the regularisation application of the fourth respondent and the appeal under Section 80A has also been rejected by the Government, viz., the first respondent. In the

above backdrop, it is the bounden duty of the second respondent, Chennai Metropolitan Development Authority to do the needful in accordance with law, by issuing show cause notice to the fourth respondent and after affording an opportunity of personal hearing to the petitioner as well as to the fourth respondent, the persons who are likely to be affected, and, after hearing pass orders thereon, in accordance with law within a period of three months from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

avr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary
Housing and Urban Development Dept.
Fort St. George, Chennai - 600 009.

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

3. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

+ 1 cc to Mr.A.Nagarajan, Advocate Sr 55475

+ 1 cc to Mr.K.Raja Shrinivas, Advocate Sr 56004

+ 1 cc to The Govt. Pleader, Sr 56086

KR/26/10/16

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