

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.35378 of 2016
and W.M.P.No.30465 of 2016

Lakshmi Jeeva

.. Petitioner

-vs-

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-3.

2.The Executive Engineer,
Zone-6, Division No.78,
Corporation of Chennai,
No.5, Anderson Road,
Ayanavaram, Chennai-23.

3.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Malligai, No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

4.M/s.New Venus Developers Private
Limited, Rep. By its Managing Director,
No.19, Thacker Street, Purasawalkam,
Chennai 600 084.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 3 to take appropriate action against the unauthorized and illegal construction put up at New No.132, Old No.6/1, Sachidhanandham Street, Kosapet, Chennai-12, by the fourth respondent in violation of the norms specified by the first and third respondents herein and further direct respondents 1 to 3 to remove the illegal and unauthorized construction made at New No.132, Old No.6/1, Sachidhanandham Street, Kosapet, Chennai-12 and consequently penalize the concerned officials of the first, second and third respondents

for allowing such an illegal construction.

For Petitioner : Mr.Manoj Sreevalsan
For Respondents : Mr.K.Soundarajan for RR 1 and 2
: Mr.N.Sampath for R-3

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O R D E R

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

The stand of the CMDA is that they have not granted any planning permission for the construction alleged to have been made by the fourth respondent of ground plus three floors. It is further stated that the Corporation has authority to give planning permission only of ground plus first floor or stilt plus two floors.

2.Despite the information sought by the petitioner even under the Right to Information Act, the same has not been forthcoming. Thus, it is a case of inaction by the Corporation since even if planning permission has been granted by the Corporation, it would have been not of the extent of the construction.

3.We direct the Corporation to verify from the records whether any planning permission has been granted or not. Even permission is granted and there is violation or if no permission is granted and there is unauthorized construction, action in accordance with law be taken by the Corporation after notice to all concerned within a maximum period of three (3) months of the receipt of this order.

4.Writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.No.30465 of 2016 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-3.

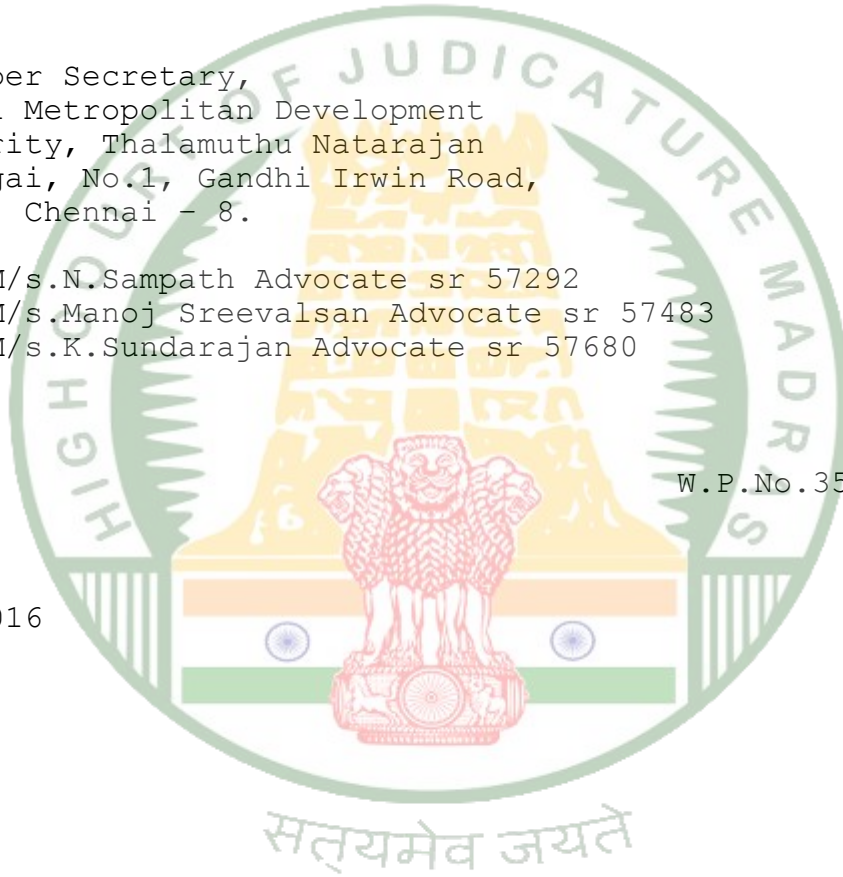
2.The Executive Engineer,
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3.The Member Secretary,
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Authority, Thalamuthu Natarajan
Malligai, No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

+1 cc to M/s.N.Sampath Advocate sr 57292
+1 cc to M/s.Manoj Sreevalsan Advocate sr 57483
+1 cc to M/s.K.Sundarajan Advocate sr 57680

W.P.No.35378 of 2016

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