

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.36875 of 2016

P.Sugunama

... Petitioner

Vs

1. The Chairman and Managing Director,
CMDA, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
3, Gandhi Irwin Road,
Egmore, Chennai 600008.

3.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

4.Amaresan

... Respondents

Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing 3rd respondent to remove the unauthorised/illegal construction put up by the 4th respondent without leaving any setback in respect of the rear side land situated adjacent to the petitioner's land and bearing Old No.78, New No.12 Vadivelu Main Road, Perambur, Chennai - 600011, Division - 70, Zone VI considering the petitioner's representation dated 24.09.2016 and 04.10.2016 in accordance with law within a time frame.

For Petitioner

: Mr.Lakshmi Narayanan

For Respondents

: Mr.N.Sampath for R.1 and
R.2
Mr.Arunmozhi for R.3

ORDER

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

The action taken report filed by the Greater Chennai Corporation has been perused, which shows that the site was inspected on 28.09.2016 and a notice calling for approved plan under Sections 56 and 57 r/w Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 was issued on 29.09.2016 with service being effected on the 4th respondent on 03.10.2016. The 4th respondent however failed to submit the approved plan and thus Locking, Sealing and Demolition Notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 was issued on 19.10.2016.

2. The affidavit further shows that only ground floor construction existed, which has been treated as unauthorized.

3. We may notice that as per additional affidavit filed by the petitioner, it is really a new building which has been made without leaving any setback in the rear side, adjacent to the property of the petitioner. The complaint made by the petitioner was on 21.09.2016 when the construction was at basement stage, it was at ground floor stage when the writ petition was filed and interdict against construction was granted on 21.10.2016, whereafter within a week's time, first floor was constructed, for which complaint was also lodged and even further construction for 2nd floor was going on. The photographs of site produced also leave little doubt over the nature of fresh construction, and well over the ground floor.

4. Learned counsel for the Corporation states that thus the lock and seal notice will be implemented within three days from today.

5. We take this aforesaid statement on record and the Corporation will be bound by the same.

6. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ksr
To

1. The Chairman and Managing Director, CMDA, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Member Secretary, Chennai Metropolitan Development Authority,
No.3, Gandhi Irwin Road, Egmore, Chennai 600008.

3.The Commissioner, Corporation of Chennai,
Ripon Buildings, Chennai 600 003.

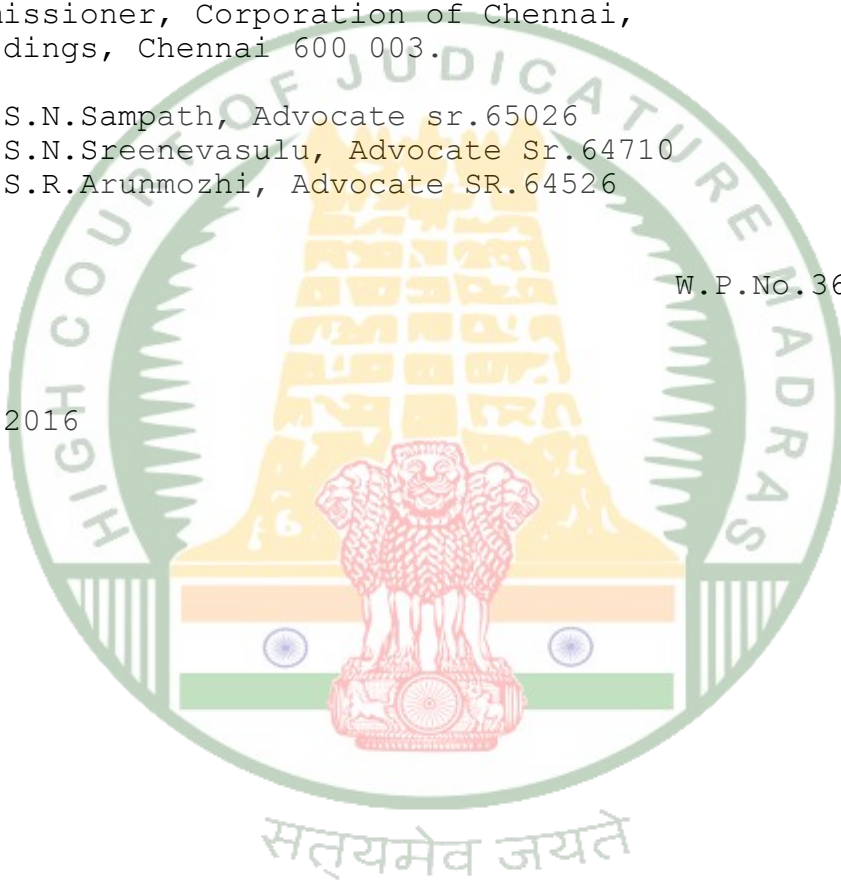
+1cc to M/S.N.Sampath, Advocate sr.65026

+1cc to M/S.N.Sreenevasulu, Advocate Sr.64710

+1cc to M/S.R.Arunmozhi, Advocate SR.64526

W.P.No.36875 of 2016

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srg 25/11/2016



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