

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.38502 of 2016

and

W.M.P.Nos.32975 to 32977 of 2016

1.X.Jawaharlal
2.N.Kalpana Natarajan
3.C.Subramanian
4.A.Zikkiriya Basha ... Petitioners

-vs-

1.Member Secretary,
CMDA, Thalamuthu Nadarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.Enforcement Cell,
CMDA, Thalamuthu Nadarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.Executive Officer,
Sembakkam Town panchayat,
Chennai-73.

4.The Executive Engineer,
Tamil Nadu Electricity Board,
Mullai Nagar Main Road,
Puthangal,
Tambaram East,
Chennai-45.

5.The Assistant Engineer,
Tamil Nadu Electricity Board,
Maruthi Nagar Main Road,
Rajakilpakkam,
Chennai-600 073.

6.Appavoo

7.Reeta

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to take appropriate action against the respondents 4 and 5 for putting up unauthorised construction in the property bearing in the apartments at Plot No.8A into Plot No.8A & 8B in old S.No.31 Part, New S.No.31/17, Rajakilpakkam Village, Ambedkar Street, Kamarajapuram, Tambaram Taluk, Kancheepuram District, Sembakkam Town Panchayat, Chennai-73 and demolish the unauthorised portions immediately within the time to be stipulated by this Court.

For Petitioners

:Mr.R.Bharath Kumar

For Respondents

:Mr.N.Sampath for R1 & R2

Mr.R.Vijayakumar
Addl. G.P. for R3

Mr.S.K.Rameshwar
Standing Counsel for R4 & R5

ORDER

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

The allegation of the petitioner is that respondent Nos.6 and 7, who are owners seek to use the stilt portion meant for car parking for opening a shop and respondent No.3 being the competent authority is not taking any action, despite the complaints made by the petitioner commencing from 06.10.2016.

2. We direct the third respondent to inspect the site within a week of the receipt of the copy of this order and if any unauthorised construction is found, to take action in accordance with law, after notice to all concerned.

3. The learned counsel for the petitioner also points out that respondent Nos.4 and 5 seek to give electricity service connection for the unauthorised construction. We make it clear that unless the construction is sanctioned, no electricity service connection shall be granted or continued in the premises, nor the private parties be entitled to let out/occupy that portion, unless it has already been sanctioned in accordance with law, which seems practically impossible, given the ground is stilt area.

4. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.Nos.32975 to 32977 of 2016 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Member Secretary,
CMDA, Thalamuthu Nadarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2.The Enforcement Cell,
CMDA, Thalamuthu Nadarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.The Executive Officer,
Sembakkam Town panchayat,
Chennai-73.
- 4.The Executive Engineer,
Tamil Nadu Electricity Board,
Mullai Nagar Main Road,
Puthangal,
Tambaram East,
Chennai-45.
- 5.The Assistant Engineer,
Tamil Nadu Electricity Board,
Maruthi Nagar Main Road,
Rajakilpakkam,
Chennai-600 073.

+1cc to the Government Pleader Sr.63108
+1cc to Mr.R.Bharathikumar, Advocate Sr.63048
+1cc to Mr.N.Sampath, Advocate sr.63040
+1cc to Mr.S.K.Rameshwar, Advocate Sr.62938

W.P.No.38502 of 2016

nrjk[co]
srg 7/11/2016