

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 9.11.2016

CORAM

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

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.39190 of 2016

M.G.Sundar Raj ... Petitioner
Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority
Chennai - 600 008.
2. The Block Development Officer
St. Thomas Mount Panchayath Union
Chitlapakkam
Chennai - 600 064.
3. The President
Vengaivasal Panchayath
Vengaivasal
Chennai - 600 126.
4. P.Rajesh .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 3 to remove the illegal construction made by the fourth respondent in the western side of the boundary on the set back area and thereby violation of the approved building plan using their statutory powers within a stipulated time.

For Petitioner	: Mr.N.P.Kumar
For Respondents	: Mr.R.Vijayakumar
	Addl. Government Pleader
	for respondents 2 and 3
	Mr.N.Sampath
	for 1 st respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)
Notice, which is accepted by the learned counsel for respondents 1 and 2.

2. The learned counsel for the petitioner states that the counter suits filed between the petitioner and the fourth respondent relate only to a dispute of car parking and right of way and are not concerned with the allegations of the petitioner of unauthorized construction. The petitioner states that he has already made representations in this behalf on 2.8.2016 and 17.8.2016, which resulted in communications for necessary action by the second respondent. Since nothing happened, another representation was sent on 2.9.2016.

2. In view of the allegations made, we consider it appropriate to direct the second respondent to carry out the inspection of the site and in case any unauthorized construction by fourth respondent is detected, as alleged by the petitioner, to take action in accordance with law, after notice to all concerned. The inspection be carried out within fifteen days from today and action be taken pursuant thereto within two months thereafter.

The petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.33563 of 2016 is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sasi

To:

1. The Block Development Officer
St. Thomas Mount Panchayath Union
Chitlapakkam
Chennai - 600 064.

WEB COPY

2 The Member Secretary
Chennai Metropolitan Development Authority
Chennai 600 008

+1cc to Mr.N. Sampath, Advocate, S.R.No.65021
+1cc to Mr.N.P.Kumar, Advocate, S.R.No.64118
+1cc to the Government Pleader, S.R.No.64327

vsn (CO)
md(23/11/2016)

W.P.No.39190 of 2016



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