

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.39991 of 2016

C.Raja ... Petitioner

-vs-

1.The Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009.

2.Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

3.The Commissioner,
Chennai Corporation,
Ripon Building, Chennai 600 003.

4.Raju ... 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 demolish the illegal and unauthorised construction of the 4th respondent in door No.83, Old No.30, Chidambarasamy Koil 2nd Street, Mylapore, Chennai.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents : Mr.R.Vijayakumar,
Addl.G.P. for R-1
: Mr.N.Sampath for R-2
: Mr.V.C.Selvasekaran for R-3

O R D E R

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

The information obtained under the Right to Information Act by the petitioner dated 30.09.2016 states that the planning permission for the construction of the building by the fourth respondent was granted on 04.04.2016 for residential property of ground and first floor. The petitioner, however, alleges that the construction being made at Door No.83, Old No.30, Chidambarasamy Koil 2nd Street, Mylapore, Chennai, is in respect of flat being constructed and has been raised to the third floor level. The CMDA / second respondent has already called upon the third respondent vide letter dated 21.10.2016 to take necessary enforcement action.

2.Learned counsel for the third respondent / Corporation states that the building has already been inspected yesterday and photographs have been taken and the same is to be verified with the planning permission. Learned counsel states that in respect of any alleged unauthorised construction, action in accordance with law will be concluded within a maximum period of three (3) months from today.

3.The aforesaid statement is taken on record.

4.It is further directed that the fourth respondent is free to proceed with construction only to the extent of the planning permission and not beyond it.

5.Writ petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009.

2.Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

3.The Commissioner,
Chennai Corporation,
Ripon Building, Chennai 600 003.

+lcc to Mr.D.R. Arunkumar, Advocate, S.R.No.66204
+lcc to Mr.N. Sampath, Advocate, S.R.No.65701
+lcc to the Government Pleader, S.R.No.65816

nrjk(CO)
md(25/11/2016)

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