

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.4057 of 2016

1.Dr.V.I.Mathan
2.Darius Kabrajee
3.C.J.Nayak
4.Siddharth Srinivasan
5.Reetika Srinivasan
6.G.Ravi Reddy .. Petitioners

-vs-

1.Corporation of Chennai,
Rep. by its Commissioner,
Rippon Building, Chennai.
2.Chennai Metropolitan Development
Authority, Rep. by its Member Secretary,
Talamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai.
3.Regional Deputy Commissioner,
Corporation of Chennai.
No.12B, Pulla Avenue, Thiru-Vi-Ka Park,
Shenoy Nagar, Chennai.

4.K.Nandakumar
5.Dr.Jeevan Prameela

.. 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 to demolish the illegal construction coming up at Plot No.13, 2nd Avenue, Harrington Road, Chetpet, Chennai 600 031 and further direct the respondents to ensure that the building is constructed in accordance with the sanctioned plan.

For Petitioner : Mr.Krishnasrinivasan
for M/s.S.Ramasubramaniam & Ass

For Respondents : Mr.P.H.Aravind Pandian,
Addl. Adv. General, assisted by
Mr.K.Soundararajan, for RR 1 & 3
: Mr.N.Sampath for R-2
: Mr.L.Chandrakumar
for Mr.Vikram V. Jain, for RR 4 & 5

O R D E R

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

The Zonal Officer has now filed a further affidavit. In our view, he failed to disclose the facts completely in his earlier affidavit and the plea that he went by the assurances of the fourth respondent cannot be accepted, as he has to give the factual position at site. We are of the view that this is an endeavour to conceal the facts from the Court and we caution the officer to be careful in future and our order be placed in his ACR.

2.It shall be his responsibility to ensure that the fourth respondent brings the building in conformity with the sanctioned plan or any compoundable limit thereon.

3.In view of what we had observed in para 4 of the order dated 08.03.2016, we are informed that as far as the CMDA is concerned, the plans are liable to be displayed at the site and are also available in the website. We see no reason why the same principle should not be applied by the Corporation to all other sanctioned plans also.

4.We, thus, direct that :

- 1.the approved plan should be available on the website of the Corporation for any building;
- 2.the party which has to carry on construction should be mandated to display the plan at the site specifying the user;
- 3.in case of both CMDA and the Corporation, it should be ensured that such display is not placed in such a manner as to only meet a formality, but should be clearly visible.

4.The Corporation and the CMDA to give adequate publicity so that the citizens are aware of what the existing law is and what directions have been issued.

5.Writ Petition stands disposed of with the aforesaid directions. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.
- 2.The Member Secretary,
Chennai Metropolitan Development
Authority, Talamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai.
- 3.The Regional Deputy Commissioner,
Corporation of Chennai.
No.12B, Pulla Avenue, Thiru-Vi-Ka Park,
Shenoy Nagar, Chennai.

+1cc to M/s. K. Soundararajan, , Advocate, S.R.No.18592
+1cc to M/s. S. Ramasubramaniam, Advocate, S.R.No.18522
+1cc to M/s. N. Sampath, Advocate Sr.18180
+1cc to M/s.Vikram, J. Jain, Advocate S.R.No.18171

AK(CO)
EU(04/04/2016)

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