

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.4156 of 2016
and
W.M.P.No.3480 of 2016

Sulochana Jagadeesan ... Petitioner

Vs.

- 1.Chief Executive Officer &
Chief Vigilance Officer,
Chennai Metropolitan
Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2.Member Secretary,
Chennai Metropolitan
Development Authority,
No.1,Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.Regional Joint Commissioner,
Regional Office-South,
Corporation of Chennai,
No.115,Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.
- 4.Deputy Commissioner,
Regional Office-South,
Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.
- 5.J.Javagar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 21.08.2015 and take action against the illegal construction made by the 5th respondent at Door No.26 (Plot No.1), Kustian Beach Street, Santhome, Chennai-600 004 in S.No.2445 Part situated in Layout Road, named Manicka Gramani Street in Kustian Beach Road, Santhome, Sub Registration District of Mylapore within the Registration District of South Madras.

For Petitioner : Mr.V.Sankaranarayanan
For Respondents : Mr.N.Sampath for RR1 and 2
Mr.A.Nagraj for RR3 and 4

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

The petitioner, stated to be aggrieved by no response to her representation dated 21st August, 2015 made to the respondents 1 to 4, filed the instant petition seeking a direction to those respondents to initiate action against the illegal construction purportedly made by the fifth respondent.

2 Pursuant to the notice, the third respondent, who is the competent officer, has filed a counter affidavit, dated 22nd February, 2015, stating that the 5th respondent has obtained planning permission from the Corporation of Chennai for construction of stilt plus two floors vide PPA/WDCN09/074136/2014 and building application vide BA/EDCN09/00884/2015. On taking note of the representation, a stop work notice was issued on 25th January, 2016. Thereafter, a spot inspection was made on 9th February, 2016, whereunder the following deviations were found :

Sl.No	Description	As per plan	As per site	Deviated / unauthorised
1	Front set back	1.52 M	0.50 M	1.02 M
2	Side 1	1.52 M	1.00 M	0.52 M
3	Side 2	0.31 M	0.31 M	Nil
4	Rear	0.87 M	0.87 M	Nil
5	Ground Floor/Stilt	7.38 M ²	43.98M ²	36.6 M ²
6	First Floor	123.75 M ²	197.5 M ²	73.75 M ²
7	Second Floor	123.75 M ²	197.5 M ²	73.75 M ²

3 The third respondent has further submitted that the fifth respondent submitted the approved plan on 10th February, 2016. Not being satisfied, a locking and sealing and demolition notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 issued on 18th February, 2016, was received by the fifth respondent on 19th February, 2016. The third respondent undertakes to take consequential action in accordance with law within the specified period as prescribed under the aforestated Act.

4 In view of the aforestated stand taken by the relevant authority, no further adjudication is necessary. Therefore, this writ petition stands disposed of with a direction to the

official respondents to conclude the proceedings in accordance with law. In the event the fifth respondent failed to rectify the deviations and continue with the illegal construction, it is open to the authorities to remove the deviations and demolish the illegal construction, after affording an opportunity of hearing, which seemingly has been granted on 18/19th February, 2016. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.Chief Executive Officer &
Chief Vigilance Officer,
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- 4.Deputy Commissioner,
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No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.

+1cc to Mr.V. Sankaranarayanan, Advocate, S.R.No.11679
+1cc to Mr.N. Sampath, Advocate, S.R.No.11653
+1cc to A. Nagarajan, S.R.No.11537

EV(CO)
EU(14/03/2016)

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