

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 15.12.2016  
CORAM  
THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.43322 of 2016

V.S.Ranganathan

.. Petitioner

Vs.

1. The Secretary to Government of Tamilnadu  
Housing and Urban Development  
Fort St. George, Chennai.
2. The Commissioner  
Greater Chennai Corporation  
Rippon Buildings  
Chennai - 600 003.
3. The Executive Engineer  
T.P. Enforcement, Corporation of Chennai  
Regional Office - Central  
2<sup>nd</sup> Cross Street (East)  
Pulla Avenue, Shenoy Nagar  
Chennai - 600 030.
4. The Executive Engineer  
Greater Chennai Corporation  
Zonal Office-X, 117, NSK Salai  
Kodambakkam, Chennai - 600 024.
5. The Assistant Executive Engineer  
Greater Chennai Corporation  
Zonal Office-X, 117, NSK Salai  
Kodambakkam, Chennai - 600 024.
6. The Assistant Engineer  
Greater Chennai Corporation  
Zonal Office-X, 117, NSK Salai  
Kodambakkam, Chennai - 600 024.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus to call for the records of the respondents pertaining to the impugned order respondents 4 to 6 made in No.ZOXC.No./ENF00065/2016, dated 10.11.2016, to quash the same as illegal and consequently for a direction, forbearing the respondents from initiating any coercive action of locking and sealing and demolition under Sections 56 and 57 of the Town and Country Planning Act of the

building owned by the petitioner at Door No.96/340, NSK Salai, Kodambakkam, Chennai - 600 024 till the disposal of appeal of the tenant of the petitioner G.K.Abdul Shukkur preferred under Section 80 of the Town and Country Planning Act, 1971, the reply/representation of the petitioner to respondents 3 to 6 dated 24.11.2016 and the representation to the second respondent on 7.12.2016.

For Petitioner : Ms.Srividhya Aravindan  
for M/s.Raj and Raj Asso.

For Respondents : Mr.T.N.Rajagopalan,  
Spl. Government Pleader  
for 1<sup>st</sup> respondent  
Mr.V.C.Selvasekaran  
for respondents 2 to 6

ORDER

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

We have heard learned counsel for parties.

2. The planning permission has now been produced. The learned counsel for the petitioner, after obtaining instructions from the petitioner, has come back to Court and reaffirms her earlier stand that the ground floor and first floor have no unauthorized construction of 100 Sq.Mtrs., as alleged in the impugned notice dated 10.11.2016, though on the second floor there is a GI Sheet structure, for which she states regularization will be claimed.

3. In view of the aforesaid, the learned counsel appearing for the respondent/Corporation states that a fresh inspection shall be carried out within a week, with prior notice to the petitioner, to verify the issue of violation of construction on the ground and first floors. In case any unauthorized construction is found, action forthwith can be taken by the Corporation. The Corporation to also inform the petitioner whether the GI Sheet structure on the second floor is capable of regularization or not and if so, on what terms.

4. The learned counsel for the Corporation further states that the first floor user is contrary to the sanction plan. If it is so, then the user must be brought in conformity with this sanction plan.

5. The learned counsel for the Corporation states that in view of another public interest litigation, directions were issued to verify the allegation of the petitioner having

encroached on part of the pavement by construction of steps. This fact can also be verified and if it is found so, the encroachment shall be removed.

The petition stands disposed of accordingly. No costs. Consequently, W.M.P.No.37195 of 2016 is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

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+2 ccs to M/s.Raj & Raj Associates Advocate sr 73193  
+1 cc to Government pleader sr 73679

W.P.No.43322 of 2016

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