

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 3.6.2016

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. No.6240 of 2016

N.Abdul Hasan

... Petitioner

versus

- 1 The Chennai Corporation
Represented by its Commissioner
Rippon Building, Chennai
- 2 The Town Planning Committee, Chennai
Represented by its Chariman
- 3 The Chennai Metropolitan
Development Authority Represented by its
Member Secretary Thalamuthu Natarajana
Building Gandhi Irwin Road,
Egmore Chennai-8
- 4 Rajasekaran Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus Directing the 1st respondent herein to take action and enforce the stop work notice dated 14.06.2010 and also demolition notice dated 06.07.2010 issued under Section 56 57 r/w 85 of the Town and Country Planning Act, 1971, against the unauthorized construction put up by the 4th respondent in D.No.71, Kanappan Street, Nelson Manickam Road, Aminjekarai Chennai-600 029.

For petitioner : Ms.A.Soundaraselvi

For Respondents : Mr.P.H.Aravind Pandian, A.A.G.,
assisted by Mr.R.Arunmozhi, for R-1

Mr.P.S.Sivashanmugasundaram,
Spl.G.P., for R-2
Mr.N.Sampathy, for R-3
Mr.M.Gnanasekar, for R-4

O R D E R
(made by HULUVADI G.RAMESH, J.)

The petitioner has filed this Writ Petition seeking a Writ of Mandamus directing the first respondent to take action, and enforce the stop work notice dated 14.06.2010 and also demolition notice dated 06.07.2010, issued under Sections 56 and 57 r/w 85 of the Town and Country Planning Act, 1971, against the unauthorized construction put up by the fourth respondent at D.No.71, Kanappan Street, Nelson Manickam Road, Aminjikarai Chennai-600 029.

2. Heard the learned counsel for the parties.

3. The learned counsel for the petitioner submitted that the authorities should be directed to demolish the illegal construction put up by the fourth respondent. The learned counsel for the fourth respondent on the other hand submitted that the petitioner himself has violated the statutory laws and enquiry has to be held in this regard.

4. On hearing the parties, this Court is of the view that the issue involved in this Writ Petition is basically civil in nature. This Court cannot therefore be converted into a fact finding forum. The petitioner should get his grievances redressed only before the civil court. The Writ Petition is therefore dismissed. No costs.

5. It is brought to our notice that an Advocate Commissioner was appointed in this matter and the learned Advocate Commissioner has also filed his report. The petitioner is at liberty to produce the report of the Advocate Commissioner before the civil court to substantiate his case.

6. In the result, the Writ Petition is dismissed with liberty as indicated above. No costs.
tar

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner,
Chennai Corporation,
Rippon Building, Chennai

2 The Chairman, Town Planning Committee, Chennai

3 The Member Secretary,
C.M.D.A.,
Thalamuthu Natarajana
Building Gandhi Irwin Road,
Egmore Chennai-8

+ 1 cc to Mr.V.Devendhiran, Advocate SR 29888

+ 1 cc to Mr.M.Sampath, Advocate SR 30085

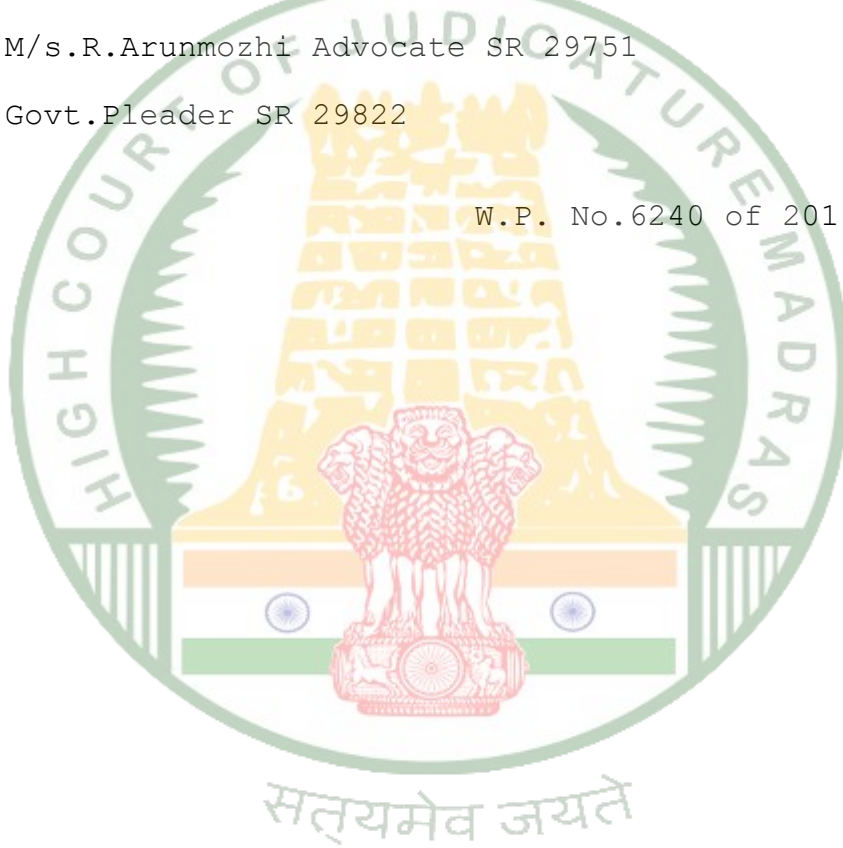
+ 1 cc to Mr.R.Thirumoorthy, Advocate SR 29713

+ 1 cc to M/s.R.Arunmozhi Advocate SR 29751

+ 1 cc to Govt.Pleader SR 29822

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