

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM

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

W.P. No.7343 of 2016

N.Ramkumar

..

Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

2.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3.

3.N.Narayanamurthy
4.N.Jayanthi

5.The Regional Joint Commissioner,
Corporation of Chennai (South),
No.118, Dr.Muthulakshmi Salai,
Adyar, Chennai - 20.

..

Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus to direct respondents 1, 2 and 5 to take enforcement action by exercising the powers delegated by the Chennai Metropolitan Development Authority and as per Chennai City Municipal Corporation Act 1919 by acting on the letter issued by the first respondent to the fifth respondent dated 12.06.2015 by demolishing the illegal and unauthorised construction put up in Plot Nos.3A, 3, 4 and 5 situate at Survey Nos.21/1B2, 70/2B1, 70/2A at Perumal Koil Street, Nerkundram village, Ambattur Taluk, Chennai, situate within the limits of Corporation of Chennai within a time frame that may be fixed by this Court.

For Petitioner .. Mr.T.T.Ravichandran

For Respondents .. Mr.N.Sampath for R1
Mr.V.C.Selvasekaran for R2 & R5
Mr.B.Ravi for R3 & R4

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2. Seeking a direction to respondents 1, 2 and 5 to take enforcement action by exercising the powers delegated by the Chennai Metropolitan Development Authority and as per Chennai City Municipal Corporation Act 1919 by acting on the letter issued by the first respondent to the fifth respondent dated 12.06.2015 by demolishing the illegal and unauthorised construction put up in Plot Nos.3A, 3, 4 and 5 situate at Survey Nos.21/1B2, 70/2B1, 70/2A at Perumal Koil Street, Nerkundram village, Ambattur Taluk, Chennai, situate within the limits of Corporation of Chennai, the petitioner has come up with the instant writ petition.

3. It is the case of the petitioner that he is the owner of the property in Plot Nos.2-A, 1 and 1-A at Perumal Koil Street, Nerkundram, Ambattur Taluk, Chennai and respondents 3 and 4 are the adjoining owners of Plot Nos.3-A, 3, 4 and 5. Since respondents 3 and 4 constructed a huge building without proper planning permission, the petitioner made a representation dated 20 May 2015 to respondents 1 and 2 and also sought information by application dated 21 May 2015 under the Right to Information Act, 2005. By reply dated 10 June 2015, the petitioner was informed that there was no planning permission by the Chennai Metropolitan Development Authority. The first respondent also forwarded the representation of the petitioner to the fifth respondent for taking enforcement action. Since no such action is taken, the present writ petition is filed.

4. Pursuant to our order dated 29 February 2016, spot inspection was made by the authorities and the first respondent has filed inspection report as well as affidavit dated 18 March 2016. In the affidavit filed by the first respondent, it is stated that the regularisation application of the third and fourth respondents is recommended for rejection, as the documentary evidence furnished by them did not satisfy the conditions prescribed by the First Bench of this Court in

Consumer Action Group rep. by its Trustee Tara Murali Vs. State of Tamil Nadu rep. by its Secretary to Government, Law Department¹ and after rejection of regularisation application, further enforcement action will be taken in accordance with law.

5.In view of the above, nothing survives for further adjudication at this stage. However, the first respondent/Chennai Metropolitan Development Authority is directed to take consequential action within a period of two weeks from the date of receipt of a copy of this order.

6.With the aforesaid observation and direction, the writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi

To

1.The Member Secretary,
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

2.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3.

3.The Regional Joint Commissioner,
Corporation of Chennai (South),
No.118, Dr.Muthulakshmi Salai,
Adyar, Chennai - 20.

+1 cc to M/s.T.T.Ravichandran Advocate sr.21059
+1 cc to M/s.N.Sampath Advocate sr.21016
+1 cc to Mr.R.Subramanian Advocate sr.21183

W.P.No.7343 of 2016

aa26/04/2016

1. 2006 (4) CTC 483