

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM:

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

W.P.No.7814 of 2016

R. Varadaraj

... Petitioner

Vs

1. The Secretary to Government,
Housing and Urban Development Dept.,
Fort St. George,
Secretariat, Chennai.9.
2. The Chennai Metropolitan Development Authority,
rep. By its Member Secretary,
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Commissioner,
Kundrathur Panchayat Union,
Padappai.
4. The District Collector,
Kancheepuram.
5. Mr. K. Vaidyanathan

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the first to fourth respondents to initiate enforcement action and to lock and seal and demolition process of the Villas constructed at as mentioned in the letter No.EC2/1559/2014, dated 14.07.2014 sent by the second respondent.

For Petitioner : M/s. S. Ilamvaluthi

For Respondents: Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1, R3 & R4
Mr. N. Sampath - R2

Mr. S. Ramesh - R5

ORDER

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

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1,3 and 4, the learned standing counsel for the second respondent and the learned counsel for the fifth respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. The instant writ petition is filed seeking to initiate enforcement action and to lock and seal and demolition of the Villas constructed in the property in question pursuant to the letter dated 14th July, 2014 addressed by the second respondent/ Chennai Metropolitan Development Authority.

3. According to the petitioner, based on the complaint made by him to the second respondent/Chennai Metropolitan Development Authority, locking, sealing and demolition notice dated 05.06.2014 was issued to the fifth respondent for demolishing the unauthorised construction. In spite of the aforestated notice, the fifth respondent had made advertisement and sold some of the independent villas in the property in question. Thus, the instant writ petition for the aforestated relief.

4. It is stated at the Bar that after issuance of locking, sealing and demolition notice dated 05.06.2014, the jurisdiction for removal of the encroachment was transferred to the third respondent on 8th September, 2015.

5. Learned Special Government Pleader, appearing for the respondents 1, 3 and 4 submits that the authorities will take action after issuance of fresh notice to the fifth respondent.

6. Learned counsel appearing for the fifth respondent seeks time to file response to the notice.

7. In such view of the matter, we are of the opinion that the locking, sealing and demolition notice dated 05.06.2014 issued by the second respondent/ Chennai Metropolitan Development Authority be treated as a notice issued under the provisions of law by the third respondent and the fifth respondent is granted two weeks' time to file his representation/ reply along with necessary documents, if so advised. On receipt of the representation/reply, the third respondent is directed to examine the same, advertng to each and every point/issue raised by the fifth respondent and take necessary consequential action in accordance with law. On finding the allegation true, the third respondent is directed to remove the encroachment within a period of two weeks thereafter. It is made clear that the fifth respondent is not entitled to further opportunity of hearing.

With the above observations and directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

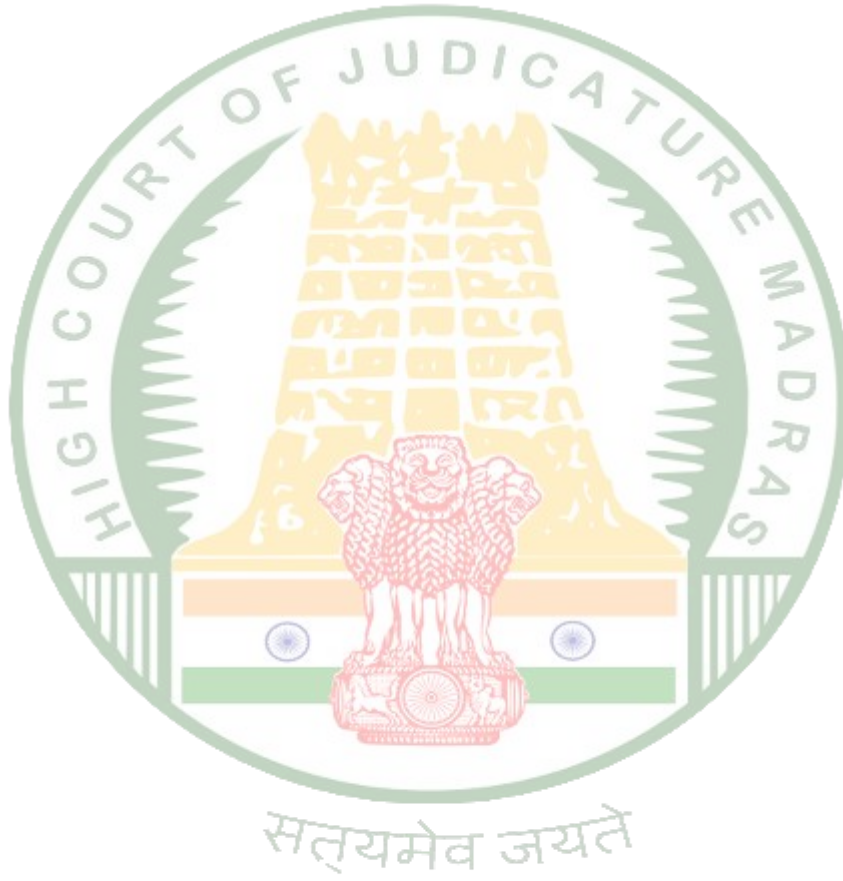
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+lcc to Mr.S.Ramesh, Advocate sr.19625

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