

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM:

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

W.P. No.9474 of 2016
and

W.M.P. Nos.8482 and 8483 of 2016

B. Ravi

... Petitioner

Vs.

1. The Director
O/o the Director of Town and Country Planning
No.907 Anna Salai, Chennai 600 002
2. The Commissioner
Corporation of Chennai
Zone - 4, Division 51, Chennai
3. The Executive Authority
Corporation of Chennai
Zone - 4, Division 51, Chennai

4. D. Meena

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing respondents 1 to 3 from allowing the fourth respondent in continuing the illegal construction any more at Old Door No.24/2, New No.63/2, Watkins Street, Sembiam, Chennai 600 011 in T.S. No.72/1, Block No.23 situated at Sembiam Village, Perambur, Purasawalkam Taluk for violating the rules of the Tamil Nadu Municipalities Building Rules, 1972, (G.O. Ms.No.1009, Rural Development) and consequently, direct the respondents 1 and 2 to direct the third respondent to take suitable action against the fourth respondent as per the Town and Country Planning Act.

For petitioner : Mr. I. Arockia Selvaraj

For R1 : Mrs. T.T. Girija,
Government Advocate

For RR 2 & 3 : Mr. R. Arunmozhi,
Standing Counsel

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. T.T. Girija, learned Government Advocate, accepts notice for the first respondent. Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 2 and 3.

2. By this writ petition, the petitioner seeks a direction to the official respondents forbearing them from allowing the private respondent to continue the illegal construction any more and further, for a direction to the respondents 1 and 2 to direct the third respondent to take suitable action against the private respondent, as per the Tamil Nadu Town and Country Planning Act, 1971.

3. On a perusal of the documents, it is noticed that the issue involved herein comes within the realm of a private dispute betwixt the petitioner and his brother, who, according to the petitioner, has sold off the property in question to the fourth respondent.

4. In such nature of disputed facts, we are not inclined to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India. However, liberty is reserved to the petitioner to take recourse to the jurisdictional Civil Court, if so advised, under the provisions of law.

The writ petition stands dismissed with the above observation. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

cad

To

1. The Director
O/o the Director of Town and Country Planning
No.907 Anna Salai, Chennai 600 002
2. The Commissioner
Corporation of Chennai
Zone - 4, Division 51, Chennai

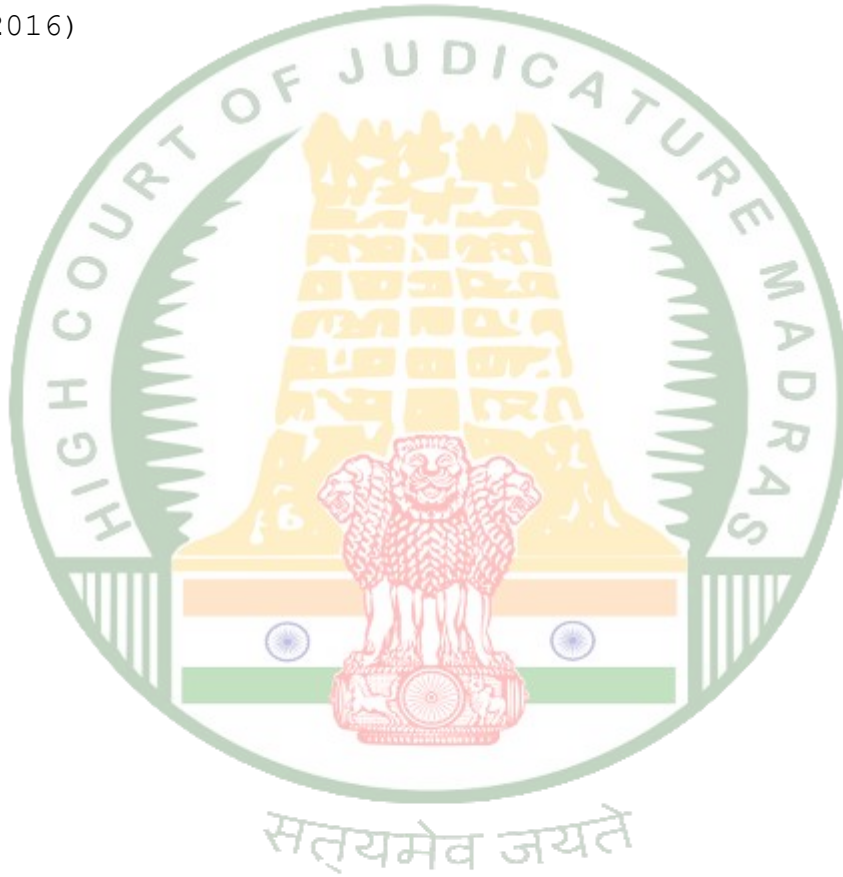
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3. The Executive Authority
Corporation of Chennai
Zone - 4, Division 51, Chennai

+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.16619
+1cc to Mr.I. Arockia Selvaraj, Advocate, S.R.No.16877

W.P. No.9474 of 2016

VSN(CO)
CA(23/03/2016)



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