

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5035 of 2017

Sandeep H.Soni

.. Petitioner

Vs.

1. The Member Secretary
Chennai Metropolitan
Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. Corporation of Chennai
rep. by its Commissioner
Rippon Buildings
Chennai - 600 007.
3. The Government of Tamil Nadu
Rep. by Additional
Secretary to Government
Housing and Urban Development
Department Fort St. George,
Chennai 600 009.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to release the ground floor G-1 residential flat in premises bearing Nos. 13 and 14, New Nos. 29 and 31, Vadamalai Maistry Street, Kondithope, Chennai - 600 079 from the proceedings of the Chennai Metropolitan Development Authority initiated under the provisions of the Town and country Planning Act and allow the petitioner to occupy the same for his residential purpose pursuant to his representation dated 23.12.2016.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.M.K.Subramanian
Government Pleader
for 3rd respondent

Mr.S.Rajasrinivas
for 1st respondent

Mr.V.C.Selvasekaran
for 2nd respondent

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.S.Rajasrinivas, learned counsel takes notice for the first respondent. Mr.V.C.Selvasekaran, learned counsel takes notice for the second respondent and Mr.M.K.Subramanian, learned Government Pleader takes notice for the third respondent.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the respondents to release the ground floor G-1 residential flat in premises bearing Nos. 13 and 14, New Nos. 29 and 31, Vadamalai Maistry Street, Kondithope, Chennai - 600 079 from the proceedings of the Chennai Metropolitan Development Authority initiated under the provisions of the Town and country Planning Act and allow the petitioner to occupy the same for his residential purpose pursuant to his representation dated 23.12.2016.

4. The petitioner claims to be the absolute owner of undivided share of an extent of 183 Sq. Ft. of land over which construction has been put up by M/s.Mangalam Builders and Real Estate Limited, with whom the petitioner entered into a construction agreement. It is alleged that the CMDA initiated action under the provisions of the Tamil Nadu Town and Country Planning Act on the ground that there has been unauthorized construction. It is his case that there is no violation in the ground floor and, therefore, the respondents may be directed to release the ground floor from the action initiated and to permit the petitioner to occupy the same for his residential purpose. In this regard, he made a representation on 23.12.2016 to the respondent/authorities. However, no action was initiated by them. Hence, the present writ petition.

5. Considering the facts and circumstances of the case, we direct the respondent/authorities to consider the representation of the petitioner dated 23.12.2016 and do the needful in accordance with law within two months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 007.
3. The Additional Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai 600 009

+1cc to Mr.S. Sadasharam, Advocate, S.R.No.13203
+1cc to Mr.K. Rajasrinivas, Advocate, S.R.No.13336
+1cc to the Government Pleader, S.R.No.14152

EV(CO)

EU 10.03.17

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