

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

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

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4192 of 2017

K.R.Narayanan

.. Petitioner

Vs.

1. The Secretary
Housing and Urban Development Department
Government of Tamil Nadu, Secretariat
Fort St. George, Chennai- 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore
Chennai - 600 008.
3. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai - 600 035.
4. The Commissioner
Corporation of Chennai
Chennai- 600 003.
5. The Executive Engineer
Zone- VIII, Anna Nagar
Corporation of Chennai
No.183 Poonamalle High Road
Kilpauk Chennai- 600 010.
6. The Commissioner of Police
Office of the Commissioner of Police
EVR Periyar Salai
Vepary, Chennai- 600 007.
7. The Inspector of Police(Crime)
K-4 Police Station, Anna Nagar
Chennai- 600 040.

8. Lakshmi Ajoy Kumar
9. V.Sathyarayanan

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 4 and 5 to act in pursuance to the locking and sealing & demolition notice issued to respondents 8 and 9 pursuant to the representation of the petitioner dated 21.12.2016 and thus demolish the unauthorized construction of respondents 8 and 9 within a stipulated time.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1, 6 and 7

Mr.Rajasrinivas
for 2nd respondent

Mr.V.Anandamurthy
for 3rd respondent

Mr.V.C.Selvasekaran
for respondents 4 and 5

ORDER

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

The petitioner has filed this petition seeking issuance of a writ of Mandamus directing respondents 4 and 5 to act in pursuance to the locking and sealing & demolition notice issued to respondents 8 and 9 pursuant to the representation of the petitioner dated 21.12.2016 and thus demolish the unauthorized construction of respondents 8 and 9 within a stipulated time.

2. The petitioner and respondents 8 and 9 are neighbours and have been allotted their respective flats by the Tamil Nadu Housing Board. It is alleged that respondents 8 and 9 have encroached upon the undivided share of land by forging the signature of other co-owners and converted the residential complex into a commercial venture. The petitioner also obtained information under the Right to Information Act to the effect that the extension of construction by respondents 8 and 9 is without approval.

3. It is further stated that respondents 8 and 9 preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act and the same was rejected. The writ petitions filed by the said respondents were disposed of by directing them to re-present the special revision petitions with a direction to the first respondent to dispose of the same within ninety days. It is alleged that till date no action has been initiated by the respondent/authorities to demolish the unauthorized construction put up by respondents 8 and 9. Hence, the present writ petition is filed for the relief stated supra.

4. The learned counsel for the first respondent produced before us the proceedings dated 13.1.2017 of the first respondent rejecting the revision petition filed by the eighth respondent and submits that in furtherance of the order passed in the revision petition, necessary action has been initiated by the respondent/ authorities.

5. The anxiety of the petitioner is to see that what has been illegally done should be set right. The proceedings dated 13.1.2017 makes it clear that the respondent/authorities are at it and it requires some reasonable time to do the needful.

In view of the above, the writ petition is disposed of with a direction to the respondent/authorities to forthwith do the needful in accordance with law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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7. The Inspector of Police (Crime)
K-4 Police Station, Anna Nagar
Chennai- 600 040.

+1cc to Mr.Abdul Mubeen, Advocate, S.R.No.10941
+1cc to Mr.Raja Strinivas, Advocate, S.R.No.10971
+1cc to Mr.Ananda Moorthy, Advocate, S.R.No.11113
+1cc to the Government Pleader, S.R.No.11188

RSY(CO)
RS(01/03/2017)

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