

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.04.2017
CORAM
THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.9519 of 2017

P.Manikandan

.. Petitioner

Vs.

1 Sembakkam Municipality
rep. by its Commissioner
Kamarajapuram
Sembakkam, Chennai-73.

2 Kurinji Homes
rep. by its Proprietor, P.Aruvi
No.33, 2nd Floor, Renganatha Mudali Street
Cantonment Pallavaram
Chennai-43.

3 Karpagam
rep. by Power Agent, P.Aruvi
No.33, 2nd Floor, Renganatha Mudali Street
Cantonment Pallavaram
Chennai-43.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 1st respondent to perform its statutory obligation of removing the illegal and unauthorized converted construction made in the Ground Floor of the property bearing Plot No.10, comprised in Survey No.5/9, Kurinji Homes, in Sembakkam Village, bearing Village No.128, Gurunath Nagar, Thirumalai Nagar Extension, Tambaram Taluk as residential flat, which is in violation of the sanctioned plan issued vide planning permit No.P.P.611/2010, Lr.No.PPA/815/2010, dated 23.11.2010, and restore to its original position as lumber room and car parking area.

For Petitioner : Mr.J.Kannan

For Respondents : Mr.M.K.Subramanian
Government Pleader
for 1st respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed by the petitioner seeking a writ of mandamus directing the first respondent to remove the illegal and unauthorized construction put up by respondents 2 and 3.

2. Mr.M.K.Subramanian, learned Government Pleader accepts notice for the first respondent.

3. Respondents 2 and 3 are private respondents, who are alleged to have put up the construction in violation of the sanctioned plan.

4. The first respondent shall cause an inspection of the premises of respondents 2 and 3, i.e., ground floor of the property bearing Plot No.10, comprised in Survey No.5/9, Kurinji Homes, in Sembakkam Village, bearing Village No.128, Gurunath Nagar, Thirumalai Nagar Extension, Tambaram Taluk, to be made within a fortnight from the date of receipt of copy of this order and if the construction of respondents 2 and 3 is found to be in violation of the sanctioned plan or if it is unauthorized in any other manner, the first respondent shall take action in accordance with law, after giving notice to all concerned, particularly respondents 2 and 3 before us, and conclude the proceedings within a period of two months thereafter.

5. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

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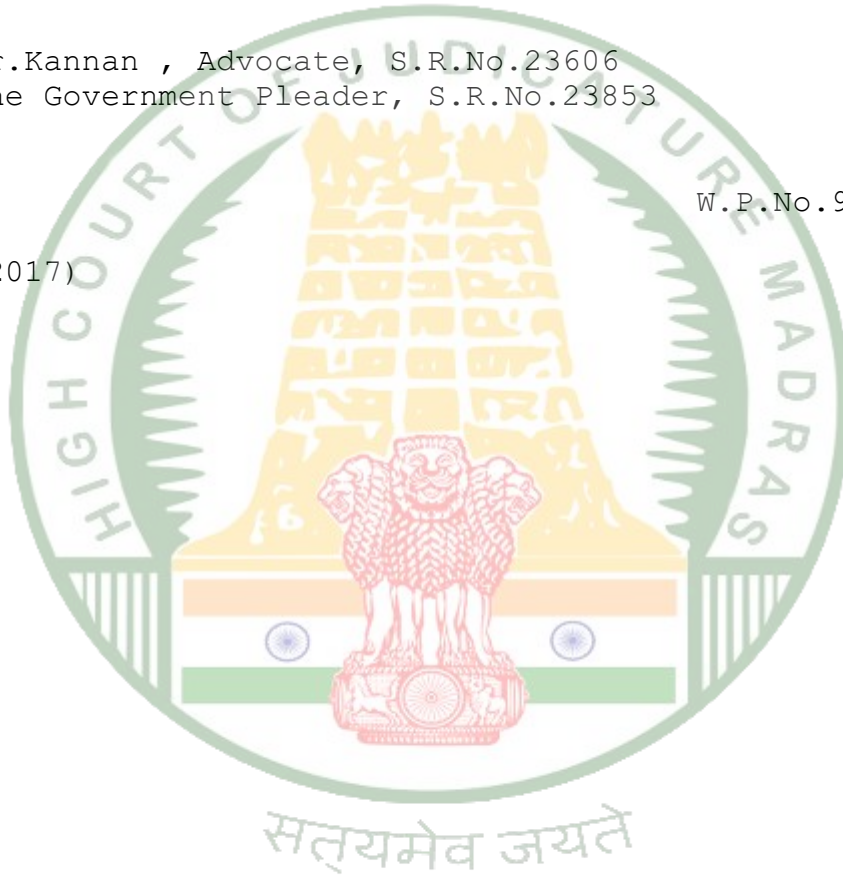
To

The Commissioner
Sembakkam Municipality
Kamarajapuram
Sembakkam, Chennai-73.

+1cc to Mr.Kannan , Advocate, S.R.No.23606
+1cc to the Government Pleader, S.R.No.23853

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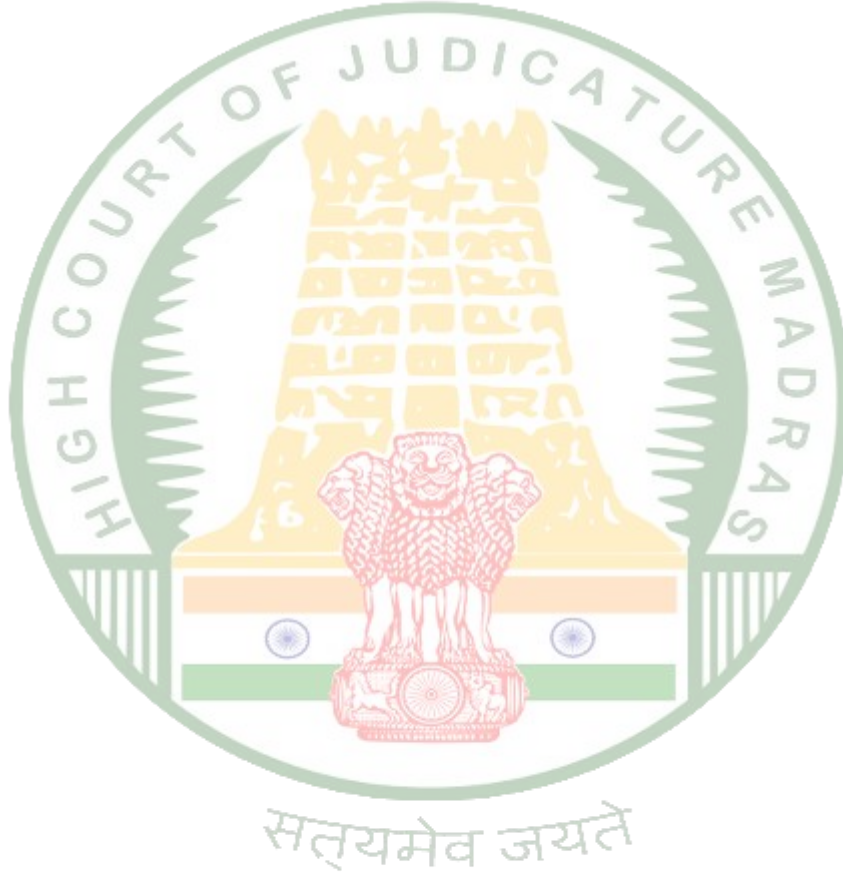
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RS (02/05/2017)



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THE HON'BLE CHIEF JUSTICE
AND
M.SUNDAR, J.

(sasi)



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19.4.2017