

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2017

CORAM

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

AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4584 of 2017

P.Rajesh

... Petitioner

Vs.

1. The Member-Secretary
Chennai Metropolitan Development Authority
Thalamuthu-Natarajan Building
No.1 Gandhi-Irwin Road
Egmore, Chennai-600 008.
2. The Commissioner
St.Thomas Mount Panchayat Union
@ Chitlapakkam
Chennai-600 064.
3. The President
Vengaivasal Panchayath
Vangaivasal
Chennai-600 126.
4. M.G.Sundar Raj .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 3 to take action if any violations are found in constructions considering the entire approved Plan approval No.161/04, dated 01.08.2004 issued by the second respondent.

For Petitioner

: Mr.J.Saravanan

For Respondents

: Mr.M.K.Subramanian
Government Pleader
for respondents 2 and 3

Mr.Raja Srinivas
for 1st respondent

ORDER

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

Mr.M.K.Subramanian, learned Government Pleader takes notice for respondents 2 and 3. Mr.Raja Srinivas, learned counsel takes notice for the first respondent. Notice to the fourth respondent is dispensed with.

2. Heard the learned counsel for the parties.

3. The fourth respondent (private respondent) filed W.P.No.39190 of 2016 seeking a direction to remove the illegal construction put up by the petitioner herein. That writ petition was disposed of on 9.11.2016 directing the authorities to take action in accordance with law, after inspecting the property. Pursuant to the said order, the respondent/authorities have initiated action against the petitioner. It is the case of the petitioner that he and the fourth respondent own identical houses and they were constructed as per a common approved plan and if the petitioner has deviated from the approved plan, the fourth respondent's construction is also deviated and therefore proceedings should be initiated against the fourth respondent.

4. Considering the facts and circumstances of the case, we direct the second respondent to consider the case of the petitioner and do the needful in accordance with law for removal of the unauthorized construction, if any, after providing due opportunity to the petitioner and the fourth respondent. The said exercise shall be completed within three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

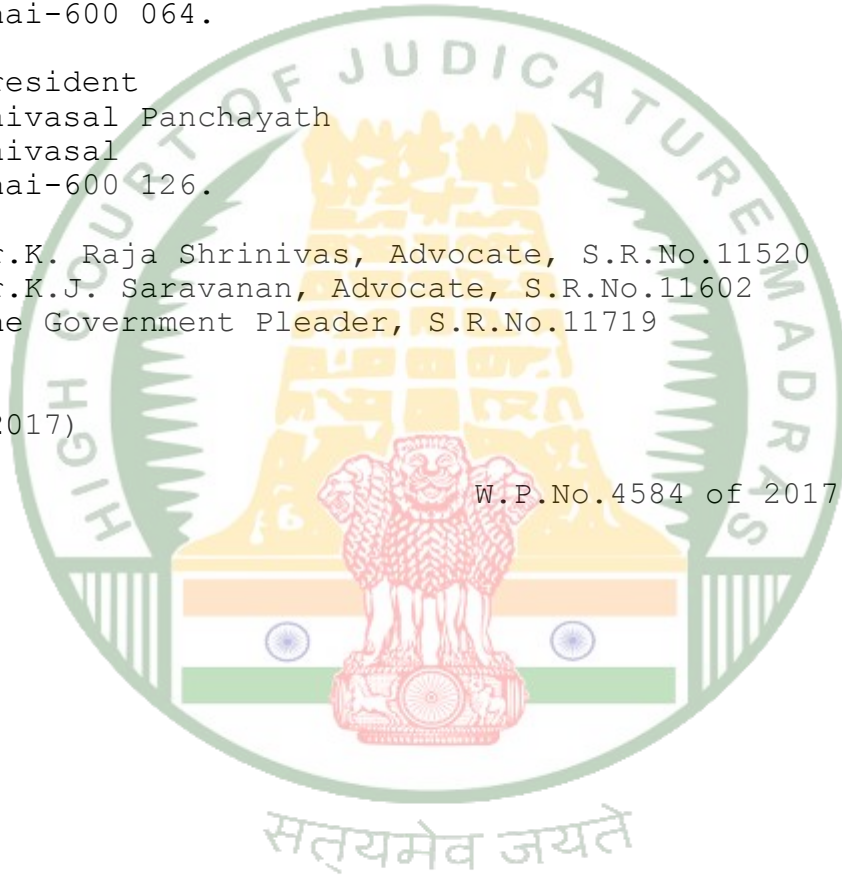
To:

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3. The President
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Chennai-600 126.

+1cc to Mr.K. Raja Shrinivas, Advocate, S.R.No.11520
+1cc to Mr.K.J. Saravanan, Advocate, S.R.No.11602
+1cc to the Government Pleader, S.R.No.11719

msm(CO)
md(03/03/2017)

W.P.No.4584 of 2017



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