

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

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

AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.6775 of 2017

and

W.M.P.Nos.7343 & 7344 of 2017

S.Kanniammal .. Petitioner

Vs.

1. The Secretary,
Housing and Urban Development,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Corporation of Chennai,
rep. by its Commissioner,
Rippon Building,
Chennai.
3. The Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road,
Chennai.

4. S.Karpagam .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the second and third respondents to forthwith demolish the offending construction of the fourth respondent at Door No.5/2, Chakravarthi Nagar, Ayanavaram, Chennai-23.

For Petitioner : Mr.T.Mohan
for M/s.M.Prabaharan

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

Mr.R.Arunmozhi
for 2nd respondent

Mr.K.Rajasrinivas
for 3rd respondent

ORDER

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

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the first respondent. Mr.R.Arunmozhi, learned counsel takes notice for the second respondent. Mr.K.Rajasrinivas, learned counsel takes notice for the third respondent.

2. The petitioner has filed the writ petition seeking issuance of a writ of mandamus directing respondents 2 and 3 to forthwith demolish the construction of the fourth respondent at Door No.5/2, Chakravarthi Nagar, Ayanavaram, Chennai-23.

3. It is the case of the petitioner that she is the owner of the property at Door No.77/3, Chakravarthi Nagar, Ayanavaram, Chennai. The fourth respondent is the owner of the southern side property of the petitioner and she had put up construction of ground plus two floors without leaving set backs in violation of the Tamil Nadu Town and Country Planning Act, 1971. It is the further case of the petitioner that on 17.3.2016 the first respondent has passed an order to de-seal the building for three months as requested by the fourth respondent so as to enable her to rectify the violation/deviation and restore the building as per the approved plan. Accordingly, the building was de-sealed and the fourth respondent occupied the same. However, till date the fourth respondent has not rectified the violation and has been using the building despite lapse of three months. Hence, the petitioner has filed the writ petition seeking the relief stated supra.

4. It appears that the violation/deviation in the building in question was brought to the notice of the respondent authorities and on the request of the fourth respondent, the first respondent vide order dated 17.3.2016, permitted de-sealing of the building for rectification for a period of three months. According to petitioner, till date either the fourth respondent rectified the violation/deviation or the respondent authorities have taken action to seal the building.

5. Considering the facts and circumstances of the case, we direct the respondent authorities to look into the allegation of the petitioner and do the needful after notice to the fourth respondent within a period of two months from the date of receipt of a copy of this order.

6. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.Nos.7343 & 7344 of 2017 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary,
Housing and Urban Development,
Secretariat, Fort St. George, Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road, Chennai.

+1cc to Mr.M. Prabhakaran, Advocate, S.R.No.17508
+1cc to Mr.K. Raja srinivas, Advocate, S.R.No.17385
+1cc to Mr. R. Arunmozhi, Advocate Sr.No.17327
+1cc to the Government Pleader, S.R.No.17602

msm(CO)
md(05/04/2017)

W.P.No.6775 of 2017