

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.04.2017
CORAM
The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.SUNDAR
W.P.No.8906 of 2017
and
W.M.P.No.9823 of 2017

Koshy Thomas

.. Petitioner-in-Person

vs.

1. Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai - 600 008.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
3. The Executive Engineer,
Zone - VIII,
Corporation of Chennai,
Shenoy Nagar,
Chennai - 600 030.
4. The Government of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development,
Fort St. George, Chennai - 600 009.
5. Lifestyle Housing & Infrastructure,
No.7, Old Nos.2,3 and 4,
Halls Road, 2nd Floor,
Egmore, Chennai - 600 008
rep. by its Partner Ajay Gulecha .. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1, 2 & 3 to furnish details of the construction put up by the 5th respondent on the said premises and to act in accordance with law and demolish the construction if the same is in violation of the approved plans.

For Petitioner : Mr.Koshy Thomas
Party-in-person

For Respondents : Mr.C.D.Johnson
for 1st respondent

Mr.K.Soundararajan
for respondent Nos.2 & 3

Mr.R.Vijayakumar
Addl. Government Pleader
for 4th respondent

ORDER

(Order of the Court was made by M.Sundar, J.)

This writ petition has been filed by the petitioner seeking a writ of mandamus directing the official respondents to furnish the details of the construction put up by respondent No.5 at Old Door No.6, New Door No.11, Lamech Avenue, Spurtank Road, Chetpet, Chennai-31 (hereinafter referred to as "said site" for brevity) and to demolish the construction, if the same is in violation of the approved plan.

2. Mr.C.D.Johnson, learned counsel accepts notice for respondent No.1. Mr.K.Soundararajan, learned counsel accepts notice for respondent Nos.2 and 3. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice for respondent No.4.

3. Respondent No.5 is a private respondent, who is alleged to have put up the construction in violation of the sanctioned plan.

4. Respondent No.3 (Executive Engineer, Zone-VIII, Corporation of Chennai, Shenoy Nagar, Chennai-30) shall cause an inspection of the said site i.e., Old Door No.6, New Door No.11, Lamech Avenue, Spurtank Road, Chetpet, Chennai-31 to be made within a fortnight from the date of receipt of copy of this order and if the construction of respondent No.5 is found to be in violation of the sanctioned plan or if it is unauthorised in any other manner, the official respondents 1 to 3 shall take action in accordance with law, after giving notice to all concerned, particularly respondent No.5 before us and conclude the proceedings within a period of two months thereafter.

5. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.9823 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Chennai - 600 008.
2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.
3. The Executive Engineer,
Zone - VIII, Corporation of Chennai,
Shenoy Nagar, Chennai - 600 030.
4. The Secretary,
Housing and Urban Development,
Fort St. George,
Chennai - 600 009.

+1cc to Mr.C. Johnson, Advocate, S.R.No.22551
+1cc to Mr.Koshy Thomas, Advocate, S.R.No.22573
+1cc to Mr. K. Soundarajan, Advocate Sr.No.22874
+1cc to the Government Pleader, S.R.No.22687

rsy(CO)
md(26/04/2017)

WEB COPY W.P.No.8906 of 2017