

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.11551/2017

Mr.Alexander Zachariah .. Petitioner

Versus

- 1.The Commissioner
Greater Corporation of Chennai
Rippon Building, Chennai.
- 2.The Member Secretary
CMDA, Egmore, Chennai 600 003.
- 3.The Assistant Commissioner
Greater Corporation of Chennai
Sholinganallur, Chennai.
- 4.The Assistant Engineer
Greater Corporation of Chennai
Division 196, Zone 15, East Coast Road,
Injambakkam, Chennai.
- 5.The Junior Engineer
Greater Corporation of Chennai,
Zone 15, East Coast Road,
Injambakkam, Chennai.

6.D.Shankar .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 5 to consider the petitioner's representation dated 12.04.2017 and further direct them to take immediate action to stop the unlawful construction proceeded in Plot No.3A, Jagajevanram Avenue, Injambakkam, Injambakkam Village [VGP Layout], Tambaram Taluk, Kancheepuram District.

For Petitioner :	Mr.K.Kannan
For RR1, 3 to 5 :	Mr.V.C.Selvasekaran
For R2 :	Mr.C.Johnson

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that he is the owner of the Plot No.4, comprised in S.No.15/2A [Part], of VGP Part-I, Injambakkam village, Tambaram Taluk, Kancheepuram District, through a registered Sale Deed bearing Doc.No.5089/2006 dated 25.08.2006 on the file of the office of the Sub Registrar, Neelangarai. The owner of the Northern boundary of the property, viz., the 6th respondent herein, is in possession of the land and according to the petitioner, he started putting up a multi-storeyed construction without any approved plan/building permit and the representation submitted in this regard, had failed to invoke any kind of response and hence, the petitioner came forward to file the present writ petition.

3 The writ petition was entertained on 13.07.2017 and notices were ordered to the respondents and insofar as the private respondent is concerned, the notice returned with an endorsement "unclaimed" and hence, his name is printed in the Cause List and however, there is no appearance on his behalf.

4 Mr.V.C.Selvasekaran, learned Standing counsel appearing for the Corporation of Chennai has drawn the attention of this Court to the counter affidavit of the 3rd respondent and would submit that the building in question was inspected and immediately, stop work notice u/s.56 and 57 read with section 85 of the Tamil Nadu Town and Country Planning Act, 1971, and the 6th respondent was not available and since the 6th respondent has failed to comply with the terms of the said notice, the said premises was locked and sealed and further follow-up action will be done also.

5 In the light of the said development, nothing further survives for adjudication in this writ petition. However, the officials of the Corporation of Chennai, shall continue to monitor as to whether any unauthorised constructions are taking place and take further steps in accordance with law, with regard to the alleged offending construction against the 6th respondent as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 6th respondent herein.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Commissioner
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Division 196, Zone 15, East Coast Road,
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- 5.The Junior Engineer
Greater Corporation of Chennai,
Zone 15, East Coast Road,
Injambakkam, Chennai.

+1cc to Mr.Kannan, Advocate Sr.No.83588
+1cc to MR.Johnson, Advocate Sr.No.83831

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MF(CO)
sm:19.12.2017

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