

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P. Nos.30040 of 2007 & 16791 of 2003
and M.P.No.1 of 2007 in W.P.No.30040 of 2007

W.P.No.30040 of 2007

Dr.Mala Parameswaran ... Petitioner

-Vs-

1. The Member Secretary,
CMDA, Egmore, Chennai-8.
 2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai.
 3. S.Ananthasubramanian
 4. Corporation of Chennai,
Chennai.
(Respondent No.4 impleaded suo-motu
as per the order dt.28.1.2008)
- ... Respondents

W.P.No.16791 of 2003

S.Ananthasubramanian ... Petitioner

-Vs-

1. Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai-600 008.
 2. Corporation of Chennai, Chennai.
(2nd respondent impleaded suo-motu
as per the order dt. 28.1.2008)
- ... Respondents

W.P.No.30040 of 2007 filed under Article 226 of the
Constitution of India praying for issue of Writ of Mandamus
directing the respondents 1 and 2 to remove the encroachments
made by the third respondent in and around Flat No.64/1, Indira
Colony, First Avenue, Ashok Nagar, Chennai-83.

W.P.No.16791 of 2003 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the notice No.EC/SD/16907/2002 (02844) dated 21.5.2003 of the respondent and quash the same.

For Petitioner

in WP.30040/2007 : Mr.S.Gomathinayagam

in WP.16791/2003 : Mr.K.Elangoo

For Respondents : Mr.N.Sampath for R1 in both WPs
Mr.V.C.Selvasekaran for R2
in WP.16791/2003 &
R4 in WP.30040/2007
Mr.K.Elango for R3 in
WP.30040/2007
No appearance for R2 in
WP.30040/2007

COMMON ORDER

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

It is stated before us that the petitioner in W.P.No.16791 of 2003, who is also the third respondent in W.P.No.30040 of 2007, passed away a few years back, but no steps have been taken to implead the legal representatives.

2.So far as the subject matter of these petitions is concerned, it is stated that the challenge is to the jurisdiction of the CMDA to issue notice for unauthorised construction by the said deceased person and the said CMDA did not have jurisdiction.

3.Learned counsel for the CMDA states that he accepts that position and it is for the Corporation to take action in accordance with law by issuing fresh notice.

4.The aforesaid statement is taken on record and the writ petitions stand disposed of. No costs. Consequently, M.P.No.1 of 2007 stands closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Member Secretary,
CMDA, Egmore,
Chennai-8.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai.
3. The Corporation of Chennai,
Chennai.

+1cc to Mr.S.Gomathinayagam, Advocate, S.R.No.1273
+1cc to Mr.N.Sampath, Advocate, S.R.No.1761
+1cc to Mr.D.Nandakumar, Advocate, S.R.No.1768

W.P.Nos.30040 of 2007
&
16791 of 2003

NRJK(CO)
CA(19/01/2017)



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