

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:18.12.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM
WP No.32819 of 2017

T.Arunachalam

..Petitioner

Vs

1. The Secretary to Government
Housing and Urban Development Department
Fort St.George,
Secretariat, Chennai - 09.
2. The Commissioner,
Greater Chennai Corporation
Rippon Building, Chennai - 03.
3. The Regional Deputy Commissioner (South)
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai - 20.
4. The Member Secretary
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai - 08.
5. The Executive Engineer, Zone 15,
Greater Chennai Corporation
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 600119.

6. Mr.B.Gajendran

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first to fifth respondents to initiate enforcement action against the so-said construction to initiate lock seal and demolition process of the building constructed at plot No.3, M.G.R. Street, Shanmuga Avenue, Okkiyam Thoraipakkam, Chennai 600097 as per the provision of Town and Country Planning Act 1971.

For petitioner : Mr.S.Ilamvaludhi
For R-1 : Mrs. M.E.Rani Selvam, AGP
For R-2, R-3, & R-5 : Mr.A.Nagarajan
For R-4 : Mr.A.Kumar

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the 1st respondent; Mr.A.Nagarajan, learned counsel accepts notice on behalf of the respondents 2, 3 and 5 and Mr.A.Kumar, learned counsel accepts notice on behalf of the 4th respondent.

2.The petitioner in the affidavit filed in support of this writ petition would aver among other things that the 6th respondent is a builder and he had a put up a superstructure and plot No.3, M.G.R. Street, Shanmuga Avenue, Okkiyam Thoraipakkam, Chennai - 97. The said superstructure is in deviations of the sanctioned /Approved plan. The petitioner in this regard has submitted very money representations to the officials of Greater Corporation of Chennai and also sought an information under the Right To Information Act, 2005. The Public Information Officer/ Executive Engineer, Greater Chennai Corporation, Sholinganallur, Chennai-119 has furnished information vide communication dated 03.07.2017 to the petitioner, furnishing the following details:-

Parameter s	As per plan	As per site	Deviation
Side Set back (N)	1.52M	1.28M	0.24M
Side Set back (S)	0.60M	0.60M	-
Side Set back (E)	1.52M	1.2M	0.32M
Side Set back (W)	1.96M	0.76M	1.20M

3.Mr. S.Ilamvaludhi, learned counsel for the petitioner would submit that the Assistant Executive Engineer/Unit 44 of Greater Corporation of Chennai, has issued notice dated 20.01.2017, bearing No.155/2017 Division.194, under section 56 (1) and 57 of the Tamil Nadu Town and Country Planning Act,

1971, calling upon the 6th respondent/ owner of the said premises to produce a copy of the approved plan and same has not been followed by any further action and in this regard, subsequent very many representations were also submitted and loss of such representation was submitted on 31.07.2017 to the 4th respondent as well as the Officials of Corporation of Chennai and despite receipt and acknowledgment, no action is forth coming and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4.The Court heard the submissions of Mr.M.E.Rani Selvam, learned Additional Government Pleader, appearing for first respondent; Mr.A.Nagarajan, learned counsel appearing for the respondents 2, 3 and 5 and Mr.A.Kumar, learned counsel appearing for the 4th respondent and also perused the materials placed before it.

5.Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 5th respondent to take follow up action in terms of the notice calling for approved plan dated 20.01.2017 (cited supra) and subject to any legal interdict and after putting the 6th respondent on notice, shall take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision, to the petitioner as well as the 6th respondent herein.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

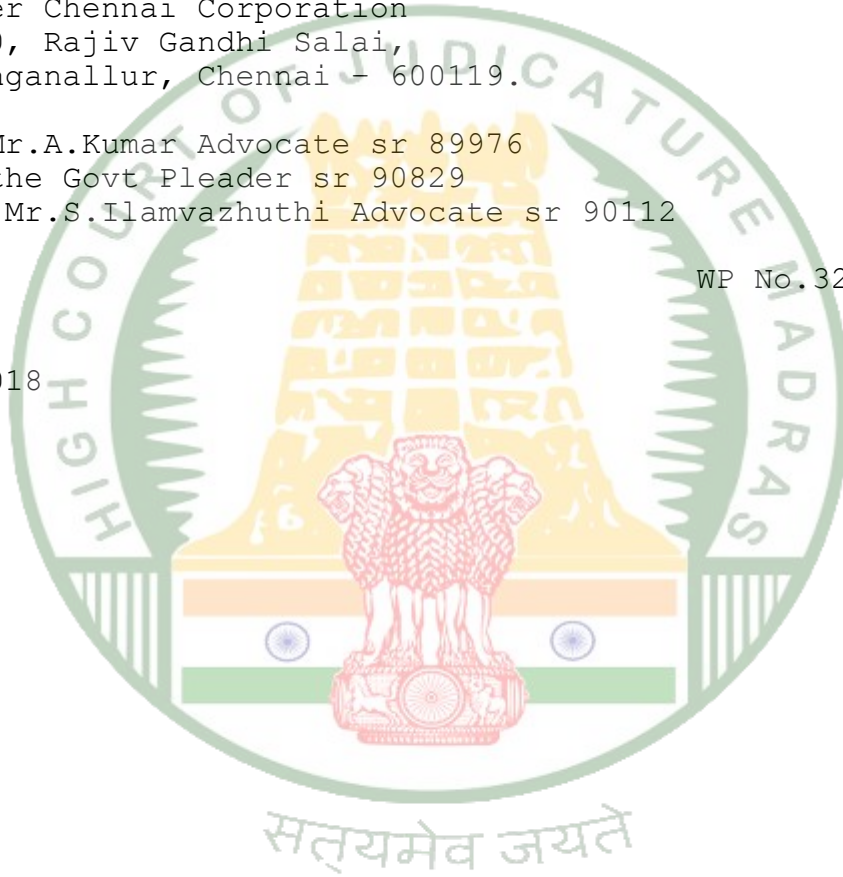
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+1 cc to Mr.A.Kumar Advocate sr 89976
+1 cc to the Govt Pleader sr 90829
+2 ccs to Mr.S.Ilamvazhuthi Advocate sr 90112

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