

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.13663 of 2017

N.K.Suresh Kumar

.. Petitioner

vs.

1. M.S.Deivanayagi

2. B.Amudha

3. The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thaalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the third respondent to lock and seal or demolish the illegal and unauthorized construction of third floor at Door No.72/1, Linghi Chetty Street, Mannady, Chennai - 600 001.

For Petitioner : Mr.G.Mutharasu

For Respondents : Mr.C.Johnson
for 3rd respondent

ORDER

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

This writ petition has been filed with a prayer to direct the third respondent to demolish the alleged illegal and unauthorized construction of third floor at Door No.72/1, Linghi Chetty Street, Mannadi, Chennai - 600 001.

2. It is not in dispute that the writ petitioner himself having an office in the second floor of the said building.

3. Mr.C.Johnson, learned counsel accepts notice on behalf of the third respondent.

4. It is submitted by the learned counsel for the writ petitioner that respondent Nos.1 and 2 (private respondents) are owners of the entire building. As stated supra, the writ petitioner is in the second floor and is admittedly a lessee therein.

5. While the writ petitioner states that the third floor is unauthorized and illegal, Mr.C.Johnson, learned Standing Counsel who accepts notice on behalf of the Chennai Metropolitan Development Authority/3rd respondent states that the entire building may be unauthorized and illegal.

6. We are not examining that aspect of the matter now.

7. We direct the third respondent to cause an inspection to be made of the building within a fortnight and if the building (superstructure at Door No.72/1, Linghi Chetty Street, Mannadi, Chennai-600 001) is found to be unauthorized and illegal (either whole or part or portion thereof), suitable action in accordance with law shall be taken by the third respondent after putting on notice all concerned, particularly respondent Nos.1 and 2 before us who are admittedly (as admitted by the writ petitioner) owners of the entire property at Door No.72/1, Linghi Chetty Street, Mannadi, Chennai-600 001.

8. Post inspection, if the third respondent finds that either whole building or part or portion thereof is unauthorized and illegal and when suitable action any commenced after putting on notice all concerned as stated supra, such exercise shall be concluded within a period of two months from the date of inspection.

9. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

bbr

To:

The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thaalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+2cc to Mr.G.Mutharasu, Advocate in Sr.No.39587,39819
+1cc to Mr.c.Johnson, Advocate in Sr.No.39880

W.P.No.13663 of 2017

BR(CO)
NR(13/06/2017)



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