

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.15436 of 2017

G.Veerabathiran

.. Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.

2.The Executive Officer,
Block Development Officer
St.Thomas Mount Union Office,
Chitlapakkam
Chennai - 600 164.

3.The Special Officer
Kovilambakkam Village Panchayat Office
Kolathur Main Road
Kovilambakkam,
Chennai - 600 129.

4.Manimaran

.. Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to inspect the ongoing construction activity at 2/743, S.Kolathur Main Road, Chinnakovilambakkam, Chennai - 600 129, carried out by the respondent No.4 and take necessary action against the respondent No.4 and his construction activity.

For Petitioner : Mr.Sankarakutralingam

For Respondents : Mr.C.Johnson [R1]

Mr.A.N.Thambidurai

Special Government Pleader [RR2 & 3]

O R D E R

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

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

2. Mr.C.Johnson, learned counsel accepts notice on behalf of the first respondent and Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of respondents 2 and 3.

3. The petitioner, in the affidavit filed in support of the writ petition, would aver among other things that the fourth respondent had purchased a plot at No.2/743, S.Kolathur Main Road, Chinna Kovilambakkam, Chennai - 600 129, which is adjacent to his house and started putting up ground floor and three floors, through a contractor named Mr.Ravi. According to the petitioner, the fourth respondent did not obtain any planning permission and in violation of relevant rules and norms, started putting up the offending construction, and this was brought to the knowledge of all the respondents in the form of legal notice dated 26.12.2016 and despite receipt and acknowledgement, no action whatsoever was taken by the respondents and hence came forward to file this writ petition.

4. This Court heard the submissions of the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 and 3.

5. The petitioner, in the affidavit filed in support of the writ petition, did not aver as to whether the superstructure put up by him in Door No.6/606, 10th Street, Kolathur Main Road, Chinnakovilambakkam, Chennai - 600 129, is an authorised one.

6. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the third respondent to put the petitioner as well as the third respondent on notice and cause inspection of the superstructure being put up by the fourth respondent in the premises bearing Plot No.2/743, S.Kolathur Main Road, China Kovilambakkam, Chennai - 600 129 as well as in the premises of the petitioner bearing Door No.6/606, 10th Street, Kolathur Main Road, Chinnakovilambakkam, Chennai - 600 129, and cause inspection of both the premises, after giving them opportunity in the form of response, and thereafter, take action in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fourth respondent.

7. The writ petition stands disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To:

1.The Member Secretary,
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.

2.The Executive Officer,
Block Development Officer
St.Thomas Mount Union Office,
Chitlapakkam
Chennai - 600 164.

3.The Special Officer
Kovilambakkam Village Panchayat Office
Kolathur Main Road
Kovilambakkam,
Chennai - 600 129.

4.Mr.Manimaran
S/o.Mr.Ramakrishnan
Old No.2/727, New No.7/303, 11th Street
Chinnakovilambakkam,
Chennai - 600 129.

+1 CC to Mr.C.Johnson, Advocate Sr.No.66221

+1 CC to Mr.Sankarakutralingam, Advocate Sr.No.66343

W.P.No.15436 of 2017

AK(CO)
KP(10.10.2017)