

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

and

The HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.16027 of 2017
and W.M.P.No.17316 of 2017

Mr.R.Ramchander

.. Petitioner

Vs

1.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 037.

2.The Public Information Officer cum
Executive Engineer,
Greater Chennai Corporation,
Zone - VII, Ambattur,
Chennai - 600 053.

3.The Junior Engineer,
Greater Chennai Corporation,
Divisional Office - 92
10th Block, Pattinatha Salai,
J.J.Nagar, Mogappair East,
Chennai - 600 037.

4.The Chairman,
CMWSS Board,
Chinthadripet, Chennai - 600 002.

5.The Executive Engineer,
CMWSS Board,
Area - VII, Mogappair Chennai - 600 050.

6.R.Durai Babu

7.R.Balaji

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to demolish the deviated and unauthorized construction done at Plot No.24, Spartan Nagar, Mogappair East, Chennai - 600 037 pursuant to the notice issued by the 2nd respondent vide No.2595/Zone - VII/Division-92/081/2017 dated 11.05.2017 under Section 56 ad 57 read with section 85 of the Tamil Nadu Town and Country Planning Act 1971 as amended by Act 61 of 2008.

For Petitioner : Mr.R.Kannan

For Respondents : Mr.V.C.Selvasekaran for R1 to R3
Mr.Karthikeyi Balan for R5
Mr.C.Ashok Kumar for R6 & R7

ORDER

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

The learned counsel appearing for the petitioner would submit that the private respondents, who are the owners of the properties bearing Plot No.24, Spartan Nagar, Mogappair East, Chennai - 600 037, without obtaining any planning permission, started putting up construction and this fact was brought to the knowledge of the official respondents by means of very many representations and despite receipt and acknowledgment of the same, no action was taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

2. The Writ Petition was entertained on 27.06.2017. The Executive

Engineer, Greater Chennai Corporation has filed a counter affidavit pointing out the deviations of the approval plan on the part of the 6th respondent and it is relevant to extract the same:

<i>Sl. No</i>	<i>Description</i>	<i>As per plan</i>	<i>As per site</i>	<i>Deviated / Unauthorised</i>
1	Slit Floor	12.68 sq.m	85.19 sq.m	72.51 sq.m
2	First Floor	144.72 sq.m	206.85 sq.m	62.13 sq.m
3	Second Floor	144.72 sq.m	206.85 sq.m	62.13 sq.m
4	Terrace Floor	-	71.77 sq.m	71.77 sq.m

3. This Court, vide order dated 17.07.2017, has also directed the Corporation to find out as to whether the petitioner has put up any unauthorised construction or not. The Assistant Engineer, Zone - VII, Greater Chennai Corporation, has filed a Status Report stating that the petitioner has put up his building as per the plan with a minor deviation in the rear side of the building by putting up additional toilet to an extent of 55 sq. ft.

4. The learned counsel appearing for respondents 6 and 7 would submit that on an earlier occasion, they filed W.P.No.24118 of 2017 and it was disposed of on 08.09.2017, directing the Secretary, Housing and Urban land Department to consider and dispose of the Special Revision Petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and it is still pending.

5. In the light of the above facts and circumstances, depending upon the result of the Special Revision petition filed by respondents 6 and 7 before the Secretary to Government, Housing and Urban Development Department, the Official Respondents are directed to take further action in

accordance with law and communicate the decision taken to the petitioner as well as to the respondent 6 and 7.

6. The writ petition stands disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

[M.S.N., J.]

[N.S.S.,J.]

15.09.2017

Index : Yes/No

Internet : Yes

vsm

To

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M.SATHYANARAYANAN, J.

and

N.SESHASAYEE, J.

vsm



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