

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.16868/2017

Sankar

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Petitioner

Versus

1.The Chairman

Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai, Egmore,
Chennai 600 008.

2.The Commissioner

Corporation of Chennai
Rippon Building, Park Town
Chennai 600003.

3.The Assistant Engineer

Corporation of Chennai
Zonal Office, Thiruvottriyur High Road
Tondiarpet, Chennai 600 081.

4.The Junior Engineer

Corporation of Chennai
Ward No.42, Zone IV, Zonal Office
Thiruvottriyur High Road, Tondiarpet
Chennai 600 081.

5.M.Venkatesan

6.M.Babu

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st, 2nd, 3rd and 4th respondents to initiate action and stop the illegal, unauthorised construction taking place in the passage in Old No.22, New No.11, Rettai Kuzhi Lane, Tondiarpet, Chennai-81, on the basis of the petitioner's representation dated 30.01.2016.

For Petitioner : Mr.A.Thirumaran

For R1 : Mr.N.Sampath

For RR 2 to 4 : Mr.V.C.Selvasekaran

For RR 5&6 : No appearance

ORDER

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

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

2 The petitioner, alleging unauthorised construction without any planning permission on the part of the respondents 5 and 6, came forward to file the present writ petition.

3 This Court having entertained the writ petition on 04.07.2017, directed the 3rd respondent herein to file the Status Report.

4 On behalf of the 1st respondent, the Deputy Planner has filed a counter stating that it is for the Zonal Executive Engineer, Zone IV, Corporation of Chennai, to take necessary action as the Chennai Metropolitan Development Authority has not issued the Planning Permission in respect of the petitioner premises.

5 The Zonal Officer of the Zonal Office VI, Greater Corporation of Chennai, filed counter affidavit and in paragraph No.8, he would aver that the premises in question was inspected and found that no construction activity has been carried on by the respondents 5 and 6 and it is in locked condition and it is further stated that further action has been initiated by issuing Locking and Sealing and Demolition Notice under section 55 and 56 read with 48 of the Tamil Nadu Town and Country Planning Act, 1971.

6 Heard the submissions of the learned counsel for the petitioner ; Mr.N.Sampath, learned Standing counsel appearing for the 1st respondent and Mr.V.C.Selvasekaran, learned Standing Counsel appearing for the respondents 2 to 4 and perused the materials placed before this Court.

7 Though the respondents 5 and 6 have been served and their names appear in the Cause List, there is no representation on their behalf.

8 The Executive Engineer, Zone – IV, Greater Corporation of Chennai, has issued the Locking and Sealing and Demolition Notice dated 14.07.2017 and a perusal of the same would disclose that the constructions put up by the private respondents in the Ground Floor, First Floor, Second Floor, Head Room and Common Passage, appears to be totally an unauthorised one.

9 Since action has been taken by the officials of the Greater Corporation of Chennai by issuing the Lock and Seal and Demolition Notice dated 14.07.2017, this Court is of the view that nothing survives for further adjudication in this writ petition.

10 If the respondents 5 and 6 are aggrieved by the said notice dated 14.07.2017, they are always at liberty to avail the appropriate remedy in accordance with law before the competent Forum.

11 The writ petition stands closed subject to the above observation. No costs.

[M.S.N., J.] [N.S.S., J.]
16.08.2017

Internet : Yes / No

NOTE: Issue order copy on 21.08.2017.

AP

To

1. The Chairman

Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai, Egmore,
Chennai 600 008.

2. The Commissioner

Corporation of Chennai
Rippon Building, Park Town
Chennai 600003.

3. The Assistant Engineer

Corporation of Chennai
Zonal Office, Thiruvottriyur High Road
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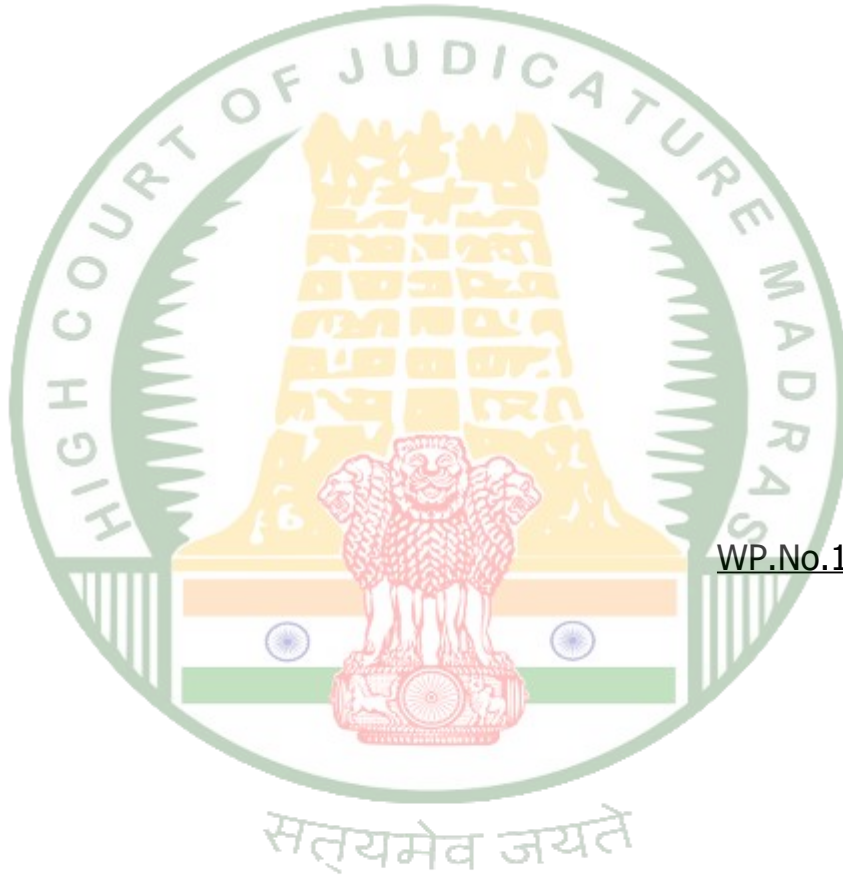
4. The Junior Engineer

Corporation of Chennai
Ward No.42, Zone IV, Zonal Office
Thiruvottriyur High Road, Tondiarpet
Chennai 600 081.

Copy to:- The Registry is directed to mark
a copy of the above order to the
respondents 5 and 6 also.

M.SATHYANARAYANAN, J.
AND
N.SESHASAYEE, J.

AP



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16.08.2017