

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.18401 of 2017

G.Vaithiyalingam

... Petitioner

Vs

1. The Member Secretary
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Building,
No.1, Gandhi Irwin Salai
Egmore, Chennai 600 008.
2. The Commissioner
Greater Chennai Corporation,
Rippon Building, Chennai 600003.
3. The Zonal Executive Engineer
Corporation of Chennai
Zone X, No.64, NSK Salai
Kodambakkam, Chennai 600 024.
4. The Tahsildar
Mambalam Taluk Office,
Ashok Pillar, Chennai 600 078.

5. Mr.Amar doss

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to comply the direction issued by the 1st respondent dated 21.06.2017 under Letter No.EC/CJ/5729/2017 and consequently to remove the encroach and unauthorised construction of the 5th respondent at Plot No.5, Devaraj Nagar, Saligramam, Chennai 600093.

For Petitioner

: Mr.M.Chidambaram

For R1

: Mr.N.Sampath

For RR2&3

: Mr.A.Nagarajan

For R4

: Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.N.Sampath, learned standing counsel accepts notice on behalf of the 1st respondent ; Mr.A.Nagarajan, learned standing counsel accepts notice on behalf of the respondents 2 and 3 and Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the 4th respondent.

2. The petitioner claims that he is the owner of the property bearing Door No.7A, Raja Street, Devaraj Nagar, Saligramam, Chennai-93 and he had purchased the said property vide registered Sale Deed bearing No.2247/1980 dated 27.05.1980 from Mr.P.Natarajan and it was registered on the file of the office of the Sub Registrar, Kodambakkam. According to the petitioner, the property was originally under Saligramam Panchayat and on the expansion of the Corporation of Chennai, it has fallen within the jurisdiction of Greater Chennai Corporation. The grievance expressed by the petitioner is that the 6th respondent has started putting up construction in Survey No.62/1A1A1A in TS.No.12, Block No.16, without obtaining any permission and the said fact was also brought to the knowledge of the 1st respondent, who vide communication in Letter No.E.C/C-J/5729/2017 addressed to the respondents 2 and 3 to take note of the same and to examine the veracity of the complaint and take necessary enforcement action against the unauthorised construction under reference exercising the powers delegated by CMDA and also as per the Madras City Municipal Corporation Act, 1919.

3. The learned counsel for the petitioner would submit that in spite of receipt of the communication, the 3rd respondent is yet to take any kind of action and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4. This Court, on going through the affidavit filed in support of this writ petition has also put a query to the learned counsel for the petitioner as to whether the construction put up by the petitioner is authorised/in accordance with the sanctioned plan and the learned counsel for the petitioner positively responded to the said query.

5. Though the petitioner prays 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 3rd respondent to put the 5th respondent on notice and cause inspection of the on-going construction and also inspect and verify the superstructure put up by the petitioner as to the compliance with the Planning/Building Permission and thereafter, take action in

accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the 5th respondent.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

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4. The Tahsildar
Mambalam Taluk Office,
Ashok Pillar, Chennai 600 078.

+1cc to Mr.N.Sampath, Advocate, S.R.No.51679
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.51200
+1cc to Mr.M.Chidambaram, Advocate, S.R.No.50761
+1cc to the Government Pleader, S.R.No.52030

W.P.No.18401 of 2017

NM(CO)
CA(04/09/2017)