

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.7846 of 2015
and
M.P.No.1 of 2015

Dr.S.Gautam
Rep.by Power Agent Mr.P.Anjaneyulu ... Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai-600 003.
2. Zonal Officer,
Zonal Office,
Anderson Road, Ayanavaram,
Chennai-600 023.
3. Executive Engineer,
Corporation of Chennai,
Anderson Road, Ayanavaram,
Chennai 600 023.
4. P.Mariappan ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 3 to take appropriate action against the 4th respondent based on the complaint dt. 8.4.2011 made by the petitioner and consequently demolish the unauthorized construction made by the 4th respondent situated at Door No.151, T.S.No.45/2, Block No.10, Survey Nos.37/1 and 37/2, paper mills road, Pervallur Village, Perambur.

For Petitioner : Mr.Duraikannu

For Respondents : Mr.B.Sridevi for
Mr.G.Anantharaman for RR 1 to 3

: Mr.V.G.Anbarasu for R-4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties and perusing the pleadings and documents, it is quite apparent that the claim of the petitioner of title in the property occupied by the fourth respondent where construction has been made is seriously disputed and it is the fourth respondent who has patta for the land. However, the construction made by the fourth respondent, on inspection, has been found to be beyond the planning permission and thus, notice has been issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, dated 05.12.2016, against which appeal is stated to have been filed.

2. We see no reason on the aforesaid circumstances to maintain the petition at the behest of the petitioner.

3. Writ petition is, accordingly, dismissed. No costs. Consequently, M.P.No.1 of 2014 is also dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai-600 003.
2. The Zonal Officer,
Zonal Office,
Anderson Road, Ayanavaram,
Chennai-600 023.
3. The Executive Engineer,
Corporation of Chennai,
Anderson Road, Ayanavaram,
Chennai 600 023.

+1cc to Mr.V.G.Anbarasu, Advocate, S.R.No.102

+1cc to Mr.G.Anantharaman, Advocate, S.R.No.138

W.P.No.7846 of 2015

RK(CO)

CA(10/01/2017)