

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.40616 of 2016

K.Sudhakar

.. Petitioner

Vs.

1. The State of Tamilnadu,
rep. by its Secretary,
Municipal Administration and
Water Supply Dept.,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director of Municipal Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
St. Thomas Mount Municipality,
Chitlapakkam, Chennai-64.
4. M/s.Thangam Builders,
A Partnership Firm,
rep. by its Partner Sundaresan,
No.3-B, No.1, LB Road, Vantage Plaza,
Adyar, Chennai-20

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the Revised Plan in File No.D.Dis.3634/2014/A4 dated 16.7.2014 in Planning Permit No.555/2014 dated 16.7.2014 issued by the 3rd respondent, quash the same and consequently direct the 3rd respondent to demolish all the illegal constructions put up by the 4th respondent contravening the Original Plan vide in File No.D.Dis.No.976/2013, in Planning permit No.2403/12-13 dated 22.02.2013.

For Petitioner : Mr.A.Ramesh
for M/s.Vijayaganesh.S

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for respondents 1 to 3

Mr.S.Sankarasubbu
for 4th respondent

ORDER

(Order of the Court was made by the Acting Chief Justice)

The petitioner has filed this writ petition seeking to quash the revised plan in File No.D.Dis.3634/2014/A4 dated 16.7.2014 in Planning Permit No.555/2014 dated 16.7.2014 issued by the 3rd respondent and consequently direct the 3rd respondent to demolish illegal constructions put up by the 4th respondent.

2. It is the case of the petitioner that the fourth respondent had developed Plot No.26-A, Sudharma Phase-1, Cowl Bazaar, Alandur Taluk. The fourth respondent approached the petitioner for sale of flat measuring 879 square feet built up area in the second floor "A" block. The petitioner purchased the same through a registered sale deed for the UDS measuring 431 square feet and also entered into a construction agreement for the built up area. According to the original plan, her property is situated in the second floor northern side measuring to an extent of 879 square feet of built up area. She was also provided with car park in the ground floor. The building construction was completed and possession was handed over to the petitioner and she also occupied the same. Subsequent to the purchase, the fourth respondent builder constructed a house in the place allotted for security room and when the petitioner and the other flat owners questioned the same, the fourth respondent refused to reveal any particulars about the construction in the ground floor portion. The RTI information obtained by the petitioner reveal that the property sold to the petitioner based on the original plan was shown as open terrace in the second floor. In this regard, the petitioner has sent a representation on 22.7.2016 to the third respondent. Despite receipt the representation, the third respondent has not taken any action. Hence, the petitioner has filed the writ petition seeking the relief stated supra.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3 and also the learned counsel appearing for the fourth respondent.

4. The learned Additional Government Pleader submitted that based on the complaint received, the Extension Officer (Planning) of the third respondent inspected the property and found six dwelling units each in contravention to the plan sanction. The third respondent has also taken enforcement action by issuing notice under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, 1971 to the fourth respondent.

5. In view of the above submission, we direct the respondent authorities to reach the conclusion of the matter in accordance with law within a period of three months from the date of receipt of a copy of this order, after notice to all concerned in accordance with law. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bbr

To:

- 1 The Secretary,
Municipal Administration and
Water Supply Dept.,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director of Municipal Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
St. Thomas Mount Municipality,
Chitlapakkam, Chennai-64.

+1cc to M/s. S. vijay Ganesh, Advocate, S.R.No.16839
+2ccs to M/s. S. Sankarasubbu, Advocate, S.R.No.16802
+1cc to the Government Pleader, S.R.No.16611

RSK(CO)

EU 5.4.17

W.P.No.40616 of 2016