

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14942 of 2003
and
W.P.M.P.No.18712 of 2003

B.R.Dorairaj

... Petitioner

Vs.

1) The Commissioner
Corporation of Chennai,
Ripon Building,
Chennai 600 003

2) The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Buildings,
Egmore, Chennai 600 008

3) S.Satish

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action to remove the illegal construction by the 3rd respondent in the common open space provided as per sanctioned plan No.B/24661/111/97 of the Planning Authority in premises No.11, Gajapathy Road, Kilpauk, Chennai 10.

For Petitioner : Mr.C.K.M.Appaji

For 1st Respondent : Mr.R.Arunmozhi

For 2nd Respondent : Mr.K.Raja Srinivas

For 3rd Respondent : No appearance

O R D E R

The petitioner has come up with the present Writ Petition seeking a direction to respondents 1 and 2 to take appropriate action to remove the illegal construction put by the 3rd respondent in the common open space provided as per sanctioned

plan vide No.B/24661/111/97 of the Planning Authority in premises No.11, Gajapathy Road, Kilpauk, Chennai 10.

2. Heard the learned counsel for the petitioner, learned counsel appearing for the 1st respondent/Corporation and the learned counsel appearing for the 2nd respondent/CMDA. There is no representation for the 3rd respondent herein.

3. Learned counsel appearing for the 1st respondent/Corporation submitted that the property in question was kept in lock and seal, vide order of the Presiding Officer, Debts Recovery Tribunal in O.A.No.153 of 2011, dated 23.02.2012 and it has not been used by the 3rd respondent. He further submitted that if the respondent/Corporation comes to know that the 3rd respondent has constructed buildings illegally in violation of the sanctioned Plan, the same would be demolished after issuance of notice to the 3rd respondent and others concerned.

4. This Court makes it clear that if there is any illegal construction by the 3rd respondent in violation of the sanctioned plan, the same can be demolished by the authorities concerned after intimating the tenants and others concerned. If no action is taken within 15 days from the date of receipt of the order and a final/logical conclusion is not arrived at within three months thereafter, for demolition of illegal constructions, disciplinary action shall be initiated against the officials concerned. If no disciplinary action is initiated, persons who are responsible for initiating disciplinary action should be proceeded with departmentally and they should be dismissed from service.

The Writ Petition is disposed of with the above observation and direction. No costs. Consequently, connected W.P.M.P.No.18712 of 2003 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

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Sub Assistant Registrar

sts/aeb

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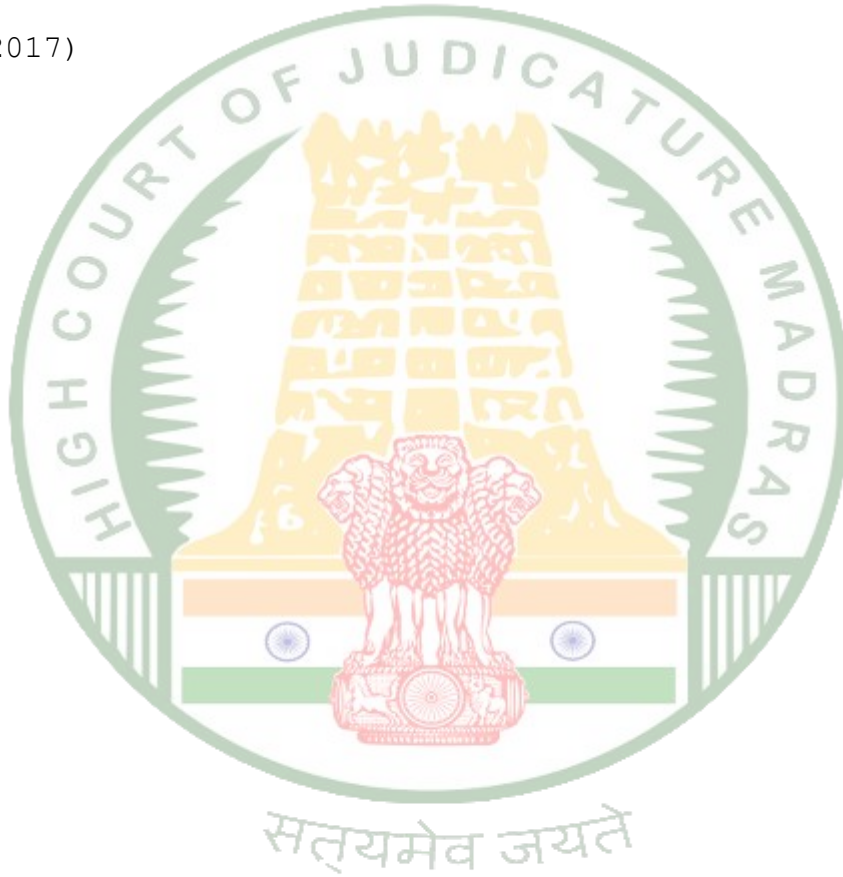
- 1) The Commissioner
Corporation of Chennai,
Ripon Building, Chennai 600 003.

2) The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Buildings,
Egmore, Chennai 600 008.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.51429
+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.52074
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.51722

W.P.No.14942 of 2003

RR(CO)
CA(13/10/2017)



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