

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.38113 of 2004

1. P.C.M.Somasundaram (deceased)
2. Rajesh Somasundaram
(Second petitioner substituted as legal
representative of deceased first petitioner-
vide order dated 16.11.2017 in
W.M.P.No.31628 of 2017 in W.P.No.38113 of 2004)

.. Petitioners

Vs.

1. The Corporation of Chennai,
through its Commissioner,
Rippon Buildings,
Chennai-600 003.

2. T.A.Rajalakshmi
(Second respondent impleaded
as per order dated 08.12.2005 in
W.P.M.P.No.21348 of 2005)
3. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Egmore, Chennai-600 008.
(Third respondent impleaded as per
order dated 06.12.2017 in W.M.P.No.32241 of 2017
in W.P.No.38113 of 2004)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of the first respondent herein in the Provisional Order 3950, dated 26.10.2004 passed under Section 256(1) of the Act and the Final Order No.3429, dated 29.11.2004 passed under Section 256(3) of the Act and quash the same.

For petitioner : Mr.S.Suresh

For respondents: Mr.T.C.Gopalakrishnan for R-1

Ms.A.L.Ganthimathi for R-2

Mr.M.Karthikeyan for R-3

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Certiorari to call for the records of the first respondent herein in the Provisional Order 3950, dated 26.10.2004 passed under Section 256(1) of the Madras City Municipal Act IV of 1919 and the Final Order No.3429, dated 29.11.2004 passed under Section 256(3) of the Act and quash the same.

2. The deceased first petitioner's legal representative had been brought on record as second petitioner.

3. In the counter affidavit filed by the first respondent/Corporation of Chennai, dated 18.09.2017, it is stated that the family members of the petitioners had applied for approved plan copy, vide planning permit in No.68/1996 and there is Building Approval No.452 of 1996, dated 29.01.1996 and they have also obtained the revised sanctioned plan from the third respondent/CMDA, vide CEBA/CD08/00041, dated 31.01.2006.

4. It is stated by the learned Standing Counsel appearing for the first respondent that the building has been constructed not in violation of the plan. Hence, this Court is not inclined to adjudicate the matter further, more particularly, in the light of the above averments made in the counter. However, if any violation is brought to the attention of the authority concerned with regard to any illegal construction already made by the petitioner prior to the passing of this order, appropriate civil and criminal action shall be initiated against the Zonal Officer, Zone-X, Greater Chennai Corporation, Chennai. It is open for the second respondent to take photographs and videographs of the illegal construction, if any made by the petitioner. It is stated by the learned counsel for the second respondent that only car shed had been constructed, which was in violation of the approved plan and the same has also been removed.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

CS

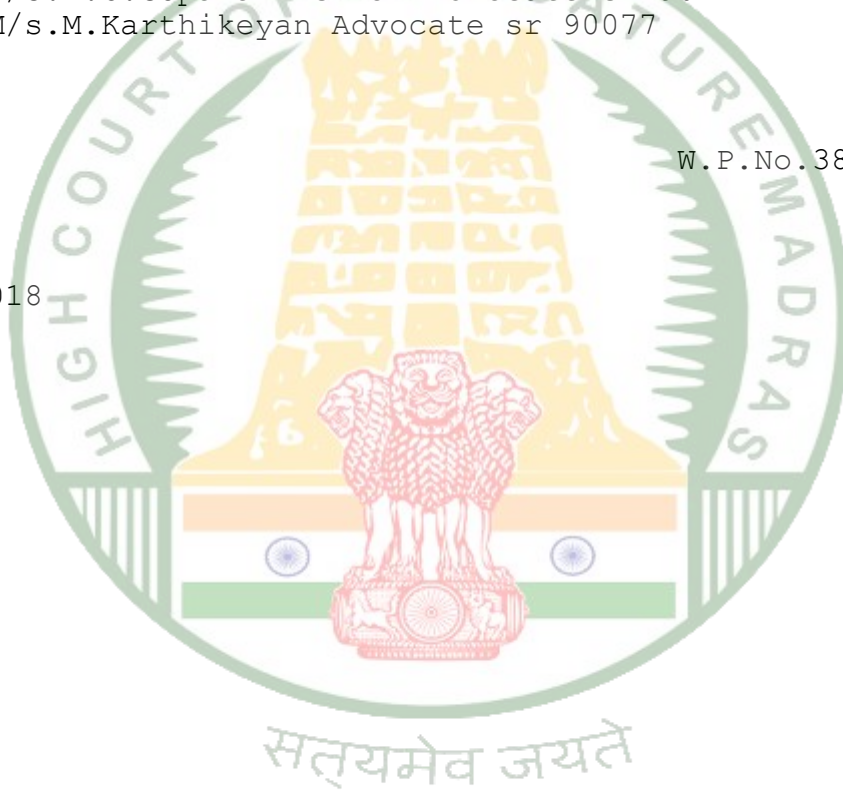
To

1. The Corporation of Chennai,
through its Commissioner,
Rippon Buildings,
Chennai-600 003.
2. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Egmore, Chennai-600 008.

+1 cc to M/s.T.Srinivasaraghavan Advocate sr90242
+1 cc to M/s.AL.Ganthimathi Advocate sr 90409
+1 cc to M/s.T.C.Gopalakrishnan Advocate sr 90142
+1 cc to M/s.M.Karthikeyan Advocate sr 90077

W.P.No.38113 of 2004

aa05/01/2018



WEB COPY