

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.4533 of 2018

R.Mohan

... Petitioner

vs.

1. The State of Tamil Nadu,
rep. by the Principal Secretary,
Municipal Administration,
Chennai 600 009.
2. Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Corporation of Chennai,
rep. by its Commissioner,
Ripon Buildings,
Chennai 600 003.
4. The Zonal Executive Engineer,
Corporation of Chennai,
New Zone X, Kodambakkam,
Chennai 600 024.
5. The Deputy Commissioner of Police,
T.Nagar, R1, Mambalam Police Station,
I Floor, Madley Road,
T.Nagar, Chennai 600 017.
6. M/s.G.R.Thangamaligai,
rep. by G.R.Radharkrishnan and G.Mahalakshmi,
Old No.4, New No.7, Rangan Street,
T.Nagar, Chennai 600 017.
7. The Assistant Engineer,
TANGEDCO,
T.Nagar, Chennai.
(R7 suo motu impleaded by this Court
vide order dated 01.03.2018)

... 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 5 to take all such actions as are necessary and proper towards demolishing and removing the unauthorized construction put up at No.27, Rangan Street, T.Nagar, Chennai 600 017, in accordance with law, and to further direct the Respondents Nos.1 and 5 to stop any further unauthorized construction and/or construction-related activity on the said Plot by issuing stop-work notices and other appropriate directions to Respondent No.6 or any other person claiming through Respondent No.6 in accordance with law.

For Petitioner : Mr.Suhrith Parthasarathy
For Respondents 1 & 5 : Mr.R.Udaya Kumar,
Addl. Government Pleader
For 2nd Respondent : Mr.C.Johnson
For Respondents 3 & 4 : Dr.C.Ravichandran
For 6th Respondent : Mr.R.Mohan

O R D E R

(Order of the Court was made by S.VAIDYANATHAN,J.)

The Petitioner has come up with the present Writ Petition seeking a direction to Respondents 1 and 5 to take all such actions as are necessary and proper towards demolishing and removing the unauthorized construction put up at No.27, Rangan Street, T.Nagar, Chennai 600 017, in accordance with law, and for a further direction to Respondents 1 and 5 to stop any further unauthorized construction and/or construction-related activity on the said Plot by issuing stop-work notices and other appropriate directions to the 6th Respondent or any other person claiming through the 6th Respondent, in accordance with law.

2. The grievance of the Petitioner is that in the subject matter of the property which is earmarked for residential purpose, the 6th Respondent, a private party, is trying to put up construction, which is meant for commercial purpose.

3. After notice, the 6th Respondent has entered appearance and has filed a counter affidavit, wherein, he has stated that he has no intention to commit any deviations/violations in the construction and that the building in question is meant for personal use of his staff meant for residential-cum-parking and that he has no intention to do any commercial activities in the building.

4. Learned counsel appearing for the 6th Respondent submitted that if any illegal construction/deviation is made by

the 6th Respondent in violation of the original sanctioned Plan, the authorities can demolish the violated portions. Learned counsel further assured that except loading and unloading of materials, no construction activities will take place between 10.00 p.m. and 6.00 a.m.

5. Further, in the counter filed by the 3rd Respondent/Corporation of Chennai, it is stated that the 6th Respondent is doing only excavation work for foundation and that if the 6th Respondent deviates from the approved Plan, necessary action will be taken as per the Town and Country Planning Act, 1971.

6. Since the 6th Respondent has filed an Affidavit that the ongoing construction is meant only for Staff Quarters and the same will not be used for commercial purpose, no further adjudication is required in this Writ Petition. It is needless to observe that if there are any deviations, it is open to the authorities to take action in accordance with law, after putting the complainant on notice. The authorities concerned shall follow the directions issued by this Court in W.P.No.14520 of 2017 vide order dated 09.01.2018.

The Writ Petition is disposed of with the above direction and observation. No costs. Consequently, connected W.M.P.No.5586 of 2018 is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

(aeb)

To:

1. The Principal Secretary,
State of Tamil Nadu,
Municipal Administration,
Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3. The Commissioner,
Corporation of Chennai,
rep. by its Commissioner,
Ripon Buildings,
Chennai 600 003.
4. The Zonal Executive Engineer,
Corporation of Chennai,
New Zone X, Kodambakkam,
Chennai 600 024.
5. The Deputy Commissioner of Police,
T.Nagar, R1, Mambalam Police Station,
I Floor, Madley Road,
T.Nagar, Chennai 600 017.
6. The Assistant Engineer,
TANGEDCO,
T.Nagar, Chennai.

- +1 CC to Mr.R. Mohan, Advocate sr 21278.
- +1 CC to Mr.C. Johnson, Advocate sr 21499.
- +1 CC to Dr.C. Ravichandran, Advocate sr 21332.
- +1 CC to M/s. Arun Karthik Mohan, Advocate sr 21284.
- +1 CC to The Govt. Pleader sr 21843.



W.P.No.4533 of 2018

SP(10/04/2018)

सत्यमेव जयते

WEB COPY