

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

WP.No.7674 of 2018

Pondy Bazar

Resident Welfare Association (Reg.No.492/2017)
by its President U.Kannan
No.11, Sivagnanam Road, T.Nagar,
Chennai - 600 017.

Petitioner

Versus

1. The Member Secretary,
CMDA Tahalamuthu Natarajan Building,
Gandhi Irwin Bridge Road,
Egmore, Chennai -600 008.
2. The Commissioner
Corporation of Greater Chennai,
Ripon Building EVR Periyar High Road,
Park Town, Chennai-600 003.
3. A. Hariff
4. T.Zahir Hussain

Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the first and second respondents to take appropriate legal action against the illegal construction being carried on by the 3rd and 4th respondents at No.9, Old.No.4, Sivagnanam Road, T.Nagar, Chennai 17 and to stop all further construction.

For Petitioner : M/s.N.Jayabalan

For Respondents : Mr.K.Raja Srinivas for R1
Mr.K.S.Soundarajan for R2

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

By consent, the writ petition is taken up for final disposal. Mr.K.Raja Srinivas, learned counsel accepts notice on behalf of the 1st respondent and Mr.K.S.Soundararajan, learned counsel accepts notice on behalf of the 2nd respondent.

2. The petitioner claims that he is the president of Resident Welfare Association, No.11, Sivagnanam Road, T.Nagar, Chennai -17 and according to him, the respondents 3 and 4 who are the neighbors and in occupation of the adjacent house, Sivagnanam Street, T.Nagar, Chennai -17, though obtained planning permission for the construction of basement+stilt+ 2 floors, are proceeding for unauthorised construction in deviation of the sanctioned plan and the information furnished by the Public Information Officer / Executive Engineer, Zone-X, Greater Chennai Corporation, Kodambakkam, Chennai-24, dated 05.10.2017 in Z.O.X.C.NoA5/RTI/7781/2017 would also disclose the said fact.

3. Mr.N.Jayabalan , learned counsel for the petitioner would submit that the said information furnished under the Right to Information Act, 2005 has disclosed the facts that enforcement action will be taken under the provisions of the Tamil Nadu Town and Country Planning Act and it is yet to be taken and as a consequence, respondents 3 and 4 are merrily and happily proceeding with the construction and prays for appropriate orders.

4. Mr.K.Raja Srinivas, learned counsel appearing for the 1st respondent and Mr.K,S.Soundarajan, learned counsel appearing for the 2nd respondent would submit that appropriate response would be sent to the petitioner as to the action initiated with regard to the alleging unauthorised construction being put up by the respondents 3 and 4.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, and directs the 1st respondent as well as the Executive Officer, zone - X, Greater Chennai Corporation, Kodambakkam, Chennai-24, to cause inspection of the alleged construction activity being carried out by the respondents 3 and 4 at New No.9, Old No.4, Sivagnanam Road, T.Nagar, Chennai -17, within a period of two weeks from the date of receipt of a copy of this order, after putting the petitioner as well as the respondents 3 and 4 on notice and inform the action to be taken to the petitioner as well as private respondents 3 to 4 within a further period of six weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of with the above direction. No costs.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1. The Member Secretary,
CMDA Tahalamuthu Natarajan Building,
Gandhi Irwin Bridge Road,
Egmore, Chennai -600 008.
2. The Commissioner
Corporation of Greater Chennai,
Ripon Building EVR Periyar High Road,
Park Town, Chennai-600 003.

+1 cc to Mr.K.Raja Srinivas, Advocate SR.NO. 25151

+1 cc to Mr.N.Jayabalan, Advocate SR.NO. 24837

+1 cc to Mr.K.Soundararajan, Advocate SR.NO. 24676

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VG-II(CO)
JK 18/04/18



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