

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:22.03.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL  
AND

THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.P.No.2855 of 2018 and  
W.M.P.Nos.3522 & 3523 of 2018

D.I.Nathan

.. Petitioner

Vs.

1. The Commissioner,  
Corporation of Chennai  
Rippon Buildings, Chennai - 600 003.
2. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natarajan Building,  
Egmore, Chennai - 600 008.
3. The Regional Deputy Commissioner,  
Corporation of Chennai,  
Zone-V, No.61, Basin Bridge Road,  
Moolakothalam, Chennai - 600 021.
4. The Chairman & Managing Director,  
TANGEDCO, No.144, Anna Salai,  
Chennai - 600 002.
5. The Asst. Engineer (Construction)  
Corporation of Chennai,  
Zone-V, Division - 58, Kannappar Thidal,  
Periamet, Chennai - 3.
6. The Asst. Engineer (Depot)  
Chennai Metro Water and Sewerage Board,  
Zone V, Division - 58,  
Whannels Road, Egmore Railway Station  
Chennai - 600 008.
7. The Assistant Engineer, ECM,  
TANGEDCO, Zone V, Division-58,  
E.V.K.Sampath Road, Vepery, Chennai-7.

8. Thiru.C.P.Achuthan,  
Power agent of Thiru.T.Abdul Jabbar,  
No.67/34, Barracks Road, Periamet, Chennai-7.

9. Thiru.C.P.Achutahn,  
Power Agent of Thiru.T.Abdul Jabbar,  
New No.35, O.No.69/1,  
Vepery, High Road, Chennai-7.

..Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondents 1 to 4 to take appropriate actions against the 5<sup>th</sup> respondent in respect of permitting the illegal construction to take place in violation of this Hon'ble High Court's order dated 07.08.2014 in W.P.No.16555 of 2014 and further direct the Respondents 1 to 3 and 5, to demolish the illegally constructed portion of the building in violation of sanctioned plan by the respondents 8<sup>th</sup> and 9<sup>th</sup> herein at New No.35, Old No.69/1, Vepery High Road, Chennai - 600 007, 67/34, Barracks Road High Road, Periamet - 600 007.

For Petitioner : Mr.M.Raja Sekhar  
For RR 1, 3 & 5 : Mr.A.Nagarajan  
For 2<sup>nd</sup> Respondent : Mr.C.Johnson  
For RR 4 & 7 : Mr.P.R.Dhilip Kumar  
  
For 6<sup>th</sup> Respondent : Mr.N.Ramesh  
Senior Counsel  
  
For RR 8 & 9 : Mr.V.Govardhanan  
Mr.R.Thirumoorthi

O R D E R

[Order of the Court was made by S.VAIDYANATHAN, J.]

The petitioner has come forward with the present writ petition praying for issuance of Writ of Mandamus to direct the respondents 1 to 4 to take appropriate actions against the 5<sup>th</sup> respondent in respect of permitting the illegal construction to take place in violation of this Court's order dated 07.08.2014 in W.P.No.16555 of 2014 and further direct the respondents 1 to 3 and 5, to demolish the illegally constructed portion of the building in violation of sanctioned plan by the respondents 8<sup>th</sup> and 9<sup>th</sup> herein at New No.35, Old No.69/1, Vepery High Road, Chennai - 600 007, 67/34, Barracks Road High Road, Periamet - 600 007.

2.It is represented by the writ petitioner that Status Report has been filed by the 3<sup>rd</sup> respondent stating that the owner has preferred an Appeal as against the De-occupation notice and that the place has been kept under lock and seal.

3.Mr.V.Goverdhanan, learned counsel for the respondents 8 and 9 submitted that he has already filed an Appeal under Section 80-A of the Town and Country Planning Act, 1971 and the same is pending.

4.In view of the fact that the Appeal along with Stay Application are pending before the authorities, without going into the merits of the matter, this Court is of the view that the lock and seal put up by the official respondents will be removed and the violated portions alone shall be kept under lock and seal. That apart, the 4<sup>th</sup> respondent/Chairman & Managing Director, TANGEDCO, Chennai is directed to disconnect the Electricity Supply to the violated portions forthwith. Further, the 6<sup>th</sup> respondent/ Assistant Engineer (Depot), Chennai Metro Water and Sewerage Board, Chennai is directed to disconnect the Water Supply to the violated portions. The Appellate Authority is expected to decide the Appeal within a period of three months from the date of receipt of a copy of this order. The enquiry shall go on a day-to-day basis and shall not be adjourned beyond seven working days at any point of time. It is made clear that the respondents 8 and 9 shall not occupy or create any third party rights or encumbrance over the property during the three months period granted by this Court. Also that, the respondents 8 and 9 shall not be disturbed.

5.With the above observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

6.List this Writ Petition for 'reporting compliance' on 04.06.2018 with regard to disconnection of Electricity and Water Supply. If the Electricity Supply and Water Supply are not disconnected, departmental action need to be initiated against those who are responsible to comply with the order, major punishment shall be imposed and the same shall be entered in their service records.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Commissioner,  
Corporation of Chennai  
Rippon Buildings, Chennai - 600 008.
  2. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natarajan Building,  
Egmore, Chennai - 600 008.
  3. The Regional Deputy Commissioner,  
Corporation of Chennai,  
Zone-V, No.61, Basin Bridge Road,  
Moolakothalam, Chennai - 600 021.
  4. The Chairman & Managing Director,  
TANGEDCO, No.144, Anna Salai,  
Chennai - 600 002.
  5. The Asst. Engineer (Construction)  
Corporation of Chennai, Zone-V, Division - 58,  
Kannappar Thidal, Periamet, Chennai - 3.
  6. The Asst. Engineer (Depot)  
Chennai Metro Water and Sewerage Board,  
Zone V, Division - 58, Whannels Road,  
Egmore Railway Station, Chennai - 600 008.
  7. The Assistant Engineer, E&M,  
TANGEDCO, Zone V, Division-58,  
E.V.K.Sampath Road, Vepery, Chennai-7.
  8. Thiru.C.P.Achuthan,  
Power agent of Thiru.T.Abdul Jabbar,  
No.67/34, Barracks Road, Periamet, Chennai-7.
  9. Thiru.C.P.Achutahn, सत्यमेव जयते  
Power Agent of Thiru.T.Abdul Jabbar,  
New No.35, O.No.69/1,  
Vepery, High Road, Chennai-7.
- +2ccs to Thiru.M.Raja Sekhar, Advocate, S.R.No.21969  
+1cc to Thiru.V.Govardhanan, Advocate, S.R.No.21996  
+1cc to Thiru.C.Johnson, Advocate, S.R.No.22013  
+1cc to Thiru.P.R.Dhilip Kumar, Advocate, S.R.No.22117  
+1cc to Thiru.A.Nagarajan, Advocate, S.R.No.22476

W.P.No.2855 of 2018

MR(CO)  
CS/20/04/18