

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.38446 of 2016
and W.M.P.No.32916 of 2016

K.Ponraj

... Petitioner

Vs.

1. The Principal Secretary/Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai-600 003.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thazhamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.
3. The Zonal Officer,
Zone-14,
Corporation of Chennai,
No.6/64, Puzhuthivakkam Main Road,
Ullagaram-Puzhuthivakkam,
Chennai-600 091.
4. Mrs.C.Selvi,
W/o. Chandrababu,
No.66, Thiruvalluvar Salai,
Teynampet,
Chennai-600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents 1, 2 & 3 to ensure that they complied with mandatory provisions of the Chennai Metropolitan Development Control Rules and other laws on the basis of the report of the Advocate Commissioner and to direct the 4th respondent to remove the portion of the building which is hitting and damaging the 1st floor of the building of the petitioner and also to take steps to prevent the sinking of the building of the 4th respondent.

For Petitioner : Mr.T.Raghavan

For R4 : Mr.K.Raja

For R1 & R3 : Mrs.Karthika Ashok

For R2 : Mr.P.S.Ganesh,
Standing Counsel.

O R D E R

The Writ Petition has been filed seeking a direction to the respondents 1 to 3 to remove the construction made by the 4th respondent, on the ground that the 4th respondent building is damaging the 1st floor of the petitioner's building.

2. Earlier notice was ordered to the respondents. Today when the matter is taken up for hearing the learned Counsel appearing for the Corporation of Chennai/3rd respondent, submitted that already a notice under Section 57 read with Section 85 of the Town and Country Planning Act, has been issued to the petitioner as well as the 4th respondent herein on 18.08.2018, for violation of the Planning Permission. Thereafter, another notice under Section 56, and 57, read with Section 85 of the Tamilnadu Town and Country Planning Act, was also issued to both the petitioner and the 4th respondent on 03.09.2018.

3. After producing the copy of the notice issued to the petitioner as well as the 4th respondent, the learned Counsel appearing for the respondents 1 to 3, submitted that both the petitioner as well as the 4th respondent constructed the buildings unauthorisedly. Hence, proper notice has been issued and further action will be taken.

4. Considering the fact that already proceedings have been initiated for the unauthorised construction by the petitioner and the 4th respondent and proper notice has also been issued by the 3rd respondent. Now no further adjudication is required in this writ petition and the writ petition is closed. However, the respondents 1, 2 & 3 are directed to proceed with the notice further. No Costs. Consequently, the connected Miscellaneous

Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msvm

To

1. The Principal Secretary / Commissioner,
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No.6/64, Puzhuthivakkam Main Road,
Ullagaram-Puzhuthivakkam,
Chennai-600 091.

+1 cc to Mr.K.Raja, Advocate Sr.No.70757

+1 cc to Mrs.A.Karthika Ashok, Advocate Sr.No.69992

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PA(CO)
CSL/29.11.2018

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