

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM :

The Hon'ble Mr.JUSTICE M.SATHYANARAYANAN

AND

The Hon'ble Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.16014 of 2018

and W.M.P.Nos.19039 and 19040 of 2018

1.C.Purushothaman
2.C.A.Sankaranarayanan
3.S.Roshani Begum
4.Manoj Vasudevan
5.G.Periyasamy

.. Petitioners

-vs-

1.The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
2.The Corporation of Chennai,
Rep. by Commissioner,
Ripon Buildings, Chennai 600 003.
3.Sindur Sea Princess Apartments Owners'
Association, Besant Nagar,
Chennai 600 090.

4.Mahbubani

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st and 2nd respondents to take appropriate action to remove or demolish the illegal expansion and improvement carried out in the 5th floor of the "Sindhi Sea Princess Apartments" situated at No.9, Coastal Road, Besant Nagar, Chennai 600 090.

For Petitioner : Mr.G.Vasudevan
For Respondents : Mrs.Veena Suresh,
Standing Counsel for R-1
: Mr.A.Nagarajan,
Standing Counsel for R-2

O R D E R

(Order of the Court was made by M.Sathyanarayanan, J.)

By consent, the writ petition is taken up for final disposal. Mrs.Veena Suresh, learned Standing Counsel, accepts notice on behalf of first respondent and Mr.A.Nagarajan, learned Standing Counsel, accepts notice on behalf of second respondent.

2.The petitioners claim to be the residents of Sindur Sea Princess Apartments, Coastal Road, Besant Nagar, Chennai-90 and the affidavit on behalf of the petitioners is sworn to by the first petitioner, who is also a retired Superintending Engineer of Public Works Department. According to the petitioners, the apartment in which they are residing consists of stilt plus five floors. The entire construction was completed as early as in the year 1999 and thereafter, it was handed over to the respective owners.

3.It is further averred that about a year ago, the 4th respondent submitted an application to the third respondent association for carrying out minor repairs including the removal of the floor tiles by replacing the same with new tiles in respect of the fifth floor and however, in violation of the same, has put up a full-fledged pent house on the 4th floor and it is nothing but an illegal expansion. It is further averred that the said fact has been brought to the knowledge of the first respondent, who, vide letter No.G/5610/2018 dated 08.06.2018, informed that the said superstructure is an illegal expansion as well as unauthorised construction and accordingly, stop work notice/notice calling for approved plan dated 11.05.2018 has been issued and further course of action will be taken as per CMDA rules.

4.Mr.G.Vasudevan, learned counsel appearing for the petitioner, invited the attention of this Court to the said communication and would submit that thereafter, no action has been taken and the 4th respondent, taking advantage of the same, is also making further alterations and hence, the petitioner is left with no other option except to move the jurisdiction of this Court by filing this writ petition.

5.The learned Standing Counsel appearing for the first respondent would submit that further course of action in pursuance of the communication dated 08.06.2018 will be taken in accordance with law.

6.This Court has perused the materials and considered the arguments advanced by the learned counsel for the petitioner and the respondents.

7.This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent or the officials authorised by the first respondent, to cause an inspection of the Sindur Sea Princess Apartment, No.9, Coastal Road, Besant Nagar, Chennai 600090, after putting the owners / occupiers on notice, including the Pent House on the 4th floor, Block III, said to have been put up by the 4th respondent, within a period of six (6) weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law, within a further period of eight (8) weeks thereafter and communicate the decision taken to the petitioner, the 4th respondent and other owners/occupiers of the said apartment.

The writ petition stands disposed of accordingly. No costs. Consequently, W.M.P.Nos.19039 and 19040 of 2018 stand closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra
To

The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1cc to Mr.A.Nagarajan, Advocate sr.43051
+1cc to Mr.G.Vasudevan, Advocate sr.41644

W.P.No.16014 of 2018

gj II[co]
srg 16/07/2018