

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.23586 and 34710 of 2003
and 9646 of 2004

K.Ramasamy

... Petitioner in all WPs

Vs.

1. Deputy Secretary to Government
Of Tamilnadu, Housing and Urban
Development UDIVI Department,
Secretariat, Chennai-600 009.

... 1st Respondent in W.P.No.9646 of 2004

2. The Member-Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai-600 008.

...1st Respondent in W.P.Nos.23586,34710
of 2003 and 2nd Respondent in WP.9646 of 2004

3. The Executive Engineer & ADO
Tamilnadu Housing Board,
K.K.Nagar division,
Chennai -600 083.

... Respondent in W.P.No.34710 of 2003

4. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.

...2nd Respondent in W.P.No.23586 of
2003

5. The Chairman / Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

...3rd Respondent in W.P.Nos.23586,34710
of 2003 and 9646 of 2004

6. The Chairman,
Tamil Nadu Electricity Board,
Mount Road, Chennai-600 002. ... Respondent in W.P.No.23586
of 2003

7. The Managing Director,
C.M.W.S.S.B, Chennai - 600 002. ... Respondent in
W.P.No.23586 of 2003

8. Mrs.Gnanam ... Respondent in all WPs.

Prayer W.P.No.23586 of 2003: Writ petitions has been filed under Article 226 of Constitution of India, seeking a Writ of Mandamus to direct the first and second respondents in accordance with the demolition notice issued by the first respondent dated 02.08.2001 to the sixth respondent with regard to the illegal and unauthorised construction of the building at No.11/4, 41th Avenue, Ashok Nagar, Chennai - 600 083 and in pursuance of the letter issued by the third respondent to the first respondent dated 16.07.2003.

Prayer W.P.No.34710 of 2003: Writ petition has been filed under Article 226 of Constitution of India, seeking to issue a Writ of certiorarified Mandamus to call for the records relating to proceedings of respondent 2 in No.KKNS/5325/01 dated 10.09.2003 to the first respondent and quash the same and consequently directing the first respondent to initiate demolition action of unauthorised and additional construction of fourth respondent at No.41/4, 11th Avenue, Ashok Nagar, Chennai - 600 083.

Prayer W.P.No.9646 of 2004: Writ petition has been filed under Article 226 of Constitution of India, seeking to issue a Writ of certiorarified Mandamus to call for the records and quash the letter dated 18.03.2004 issued by the first respondent to the fourth respondent under No.9655/UD VI/04-1 dated 18.03.2004 consequently issue suitable directions to the second respondent to demolish the illegal and unauthorized additional construction put up by the fourth respondent at No.41/4, 11th Avenue, Ashok Nagar, Chennai - 600 083.

For petitioner :Mr.Sridhar
in all W.Ps

For Respondents :Mr. V.Perumal R1
in all W.Ps

Mr.C.RavichandranR2

Mr.N.Inbanathan,
Additional Government Pleader

C O M M O N O R D E R

The petitioner has filed the writ petitions, seeking a direction of the first respondent to initiate demolition action of unauthorised and additional construction of 8th respondent at No.41/4, 11th Avenue, Ashok Nagar, Chennai - 600 083.

2. On perusal of the records , it is seen that the writ petitions are pending from 2003. Today, when the matter is taken up for hearing, there is no representation on behalf of 8th respondent. Mr.V.Perumal learned counsel appearing on behalf of the Chennai Metropolitan Development Authority, Mr.C.Ravichandran, learned counsel appearing on behalf of corporation, Mr.N.Inbanathan, Additional Government Pleader is appearing on behalf of the first respondent and there is no representation for other respondents.

3. Since the petitions are pending for more than 15 years and there is no representation on behalf of the 8th respondent, now the physical feature of the property in question would have undergone a sea of change. It is also not known as to whether the so called unauthorised portion of the property of of the respondent has been subsequently regularised. There is no records produced before this Court to substantiate the same by any of the official respondent. Therefore keeping the writ petitions pending will not serve any useful purpose. Hence, the Writ Petitions are dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. Deputy Secretary to Government
Of Tamilnadu, Housing and Urban
Development UDIVI Department,
Secretariat, Chennai-600 009.
2. The Member-Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai-600 008.

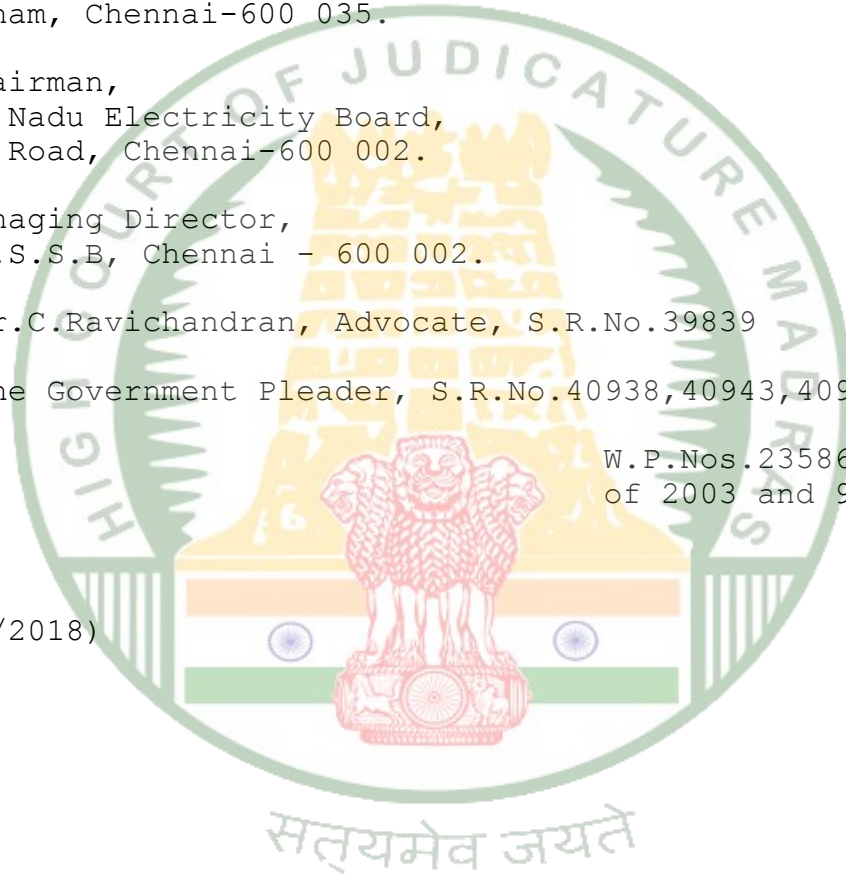
3. The Executive Engineer & ADO
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5. The Chairman / Managing Director,
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6. The Chairman,
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Mount Road, Chennai-600 002.
7. The Managing Director,
C.M.W.S.S.B, Chennai - 600 002.

+1cc to Mr.C.Ravichandran, Advocate, S.R.No.39839

+1cc to the Government Pleader, S.R.No.40938,40943,40944

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of 2003 and 9646 of 2004

GSP (26/07/2018)



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