

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.25217 of 2018

M.Noorullah Shariff

.. Petitioner

Vs.

- 1 The Corporation of Chennai
Rep. by its Commissioner
Rippon Building
Chennai.
- 2 The Assistant Executive Engineer
Unit 35 Greater Chennai Corporation
Zonal Office, Corporation Office, No.1
New Street, Alandur, Chennai - 16.
- 3 The Assistant Engineer
Div 160, Greater Chennai Corporation
Zonal Office, Corporation Office, No.1
New Street, Alandur, Chennai - 16.
- 4 The District Collector
Kanchipuram District.
- 5 P. Gomathi Shankar .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct respondents 1 to 4 to remove the unauthorized construction put up by the 5th respondent at Door No.1B/9, Railway Station Road, Chennai-16 and to remove the encroachment caused upon the road as sought vide representation dated 17/08/2018 made by the petitioner.

For Petitioner : Mr.I.Kowser Nissar

For Respondents : Mr.A.Nagarajan
Standing Counsel
for respondents 1 to 3

Mr.S.Kamalesh Kannan
Government Advocate
for 4th respondent

Mr.T.Ramachandran
for 5th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner is seeking directions to respondents 1 to 4 to remove the unauthorized construction put up by the 5th respondent at Door No.1B/9, Railway Station Road, Chennai-16.

2. The learned counsel for respondents 1 to 3 has filed a counter affidavit, which is taken on record. In the said counter affidavit, it is stated that, on scrutinizing the approved plan of the fifth respondent, it was found that the fifth respondent had put up his building by deviating from the approved plan and also constructed second floor unauthorizedly. It is further stated in the counter in paragraph (8) as under:

"8. I respectfully submit that further action has been taken against the fifth respondent building by issuing a Lock and Seal and Demolition Notice under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 dated 29.10.2018. I further submit that further action against the unauthorized construction put up by the fifth respondent building will be taken after expiry of the statutory period of the above notice under the provisions of the Tamil Nadu Town and Country Planning Act, 1971."

3. In view of the averments in the counter, no further orders are necessary. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

sasi

To:

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New Street, Alandur, Chennai - 16.
 - 4 The District Collector
Kanchipuram District.
- +1cc to Mr.N.A.Nissar Ahamed, Advocate SR.No.80861
- +1cc to Mr.A.Nagarajan, Advocate SR.No.80832
- +1cc to Mr.T.Ramachandran, Advocate SR.No.80756
- +1cc to Government Pleader SR.No.81336

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BR(CO)

GMV (12/11/2018)



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