

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. Nos.26983 & 26994 of 2018

P.C.Saranya

... Petitioner in both W.Ps

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natrajan Maligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 8.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
3. The Zonal Officer,
Greater Chennai Corporation,
Zone-V, Royapuram,
No.61, Basin Bridge Road,
Chennai - 600 021.
4. The Executive Engineer - 2,
Greater Chennai Corporation,
Zone-V, Royapuram,
No.61, Basin Bridge Road,
Old Washermenpet,
Chennai - 600 021.

... Respondents 1 to 4 in both W.Ps

5. S.Manikandan

... 5th Respondent in
W.P.No.26983/2018

5. Adinath Jain Trust,
No.1(1) Kandhappa Street,
Choolai,
Chennai - 600 112.

... 5th Respondent in
W.P.No.26994/2018

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 4 to take appropriate action to the illegal construction/building by the 5th respondent over and above the land belonging to the Arulmighu Pachaiaimman & Vembuliamman Thirukoil located at Kandappa Street, Choolai, Chennai - 600 112 made by the 5th respondent pursuant to the representation of the petitioner dated 13.07.2018.

For Petitioner : Mr.K.P.Chandrasekaran
(in both W.Ps)

For Respondents: Mr.S.Thiruvengadam (R1)
(in both W.Ps)

Mr.K.Soundar Rajan (R2 to R4)

Mr.Jayesh B.Dolia (R5)

C O M M O N O R D E R

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

W.P.No.26983 of 2018 has been filed by the petitioner to issue a Writ of mandamus directing the respondents 1 to 4 to take appropriate action with regard to the illegal construction put up by the 5th respondent over and above the land belonging to the Arulmighu Pachaiaimman & Vembuliamman Thirukoil located at Kandappa Street, Choolai, Chennai - 600 112 made by the 5th respondent pursuant to the representation of the petitioner dated 13.07.2018.

2.W.P.No.26994 of 2018 has been filed by the petitioner to issue a Writ of mandamus directing the respondents 1 to 4 to take appropriate action with regard to the illegal building constructed by the 5th respondent over and above the land belonging to the Arulmighu Pachaiaimman & Vembuliamman Thirukoil located at Kandappa Street, Choolai, Chennai - 600 112 made by the 5th respondent pursuant to the representation of the petitioner dated 13.07.2018.

3.The above Writ Petitions are relating to the same land and hence, both the Writ Petitions are disposed of by this common order.

4.The petitioner has filed the above Writ Petitions as Public Interest Litigations seeking for the reliefs stated above.

5.The learned counsel appearing for the petitioner submitted that the 5th respondent in both the Writ Petitions have put up unauthorized construction in the land belonging to the Temple and therefore, appropriate action should be taken against them.

6.The learned counsel appearing for the respondents 2 to 4 submitted that the respondents have already issued two notices on 11.08.2018 for locking and sealing and that the 5th respondent had informed them that they have filed appeals before the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act challenging the lock and seal notices issued by the Corporation.

7.Since the respondents 2 to 4 have already initiated action by issuing lock and seal notices to the 5th respondent in both the Writ Petitions, separately and also the learned counsel for the respondents 2 to 4 submitted that appropriate action would be taken in accordance with law, we are of the considered view that no further direction is required in these Writ Petitions.

8.In view of the submissions made by the learned counsel for the respondents 2 to 4, both the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1. The Member Secretary,
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2. The Commissioner,
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3. The Zonal Officer,
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Chennai - 600 021.
4. The Executive Engineer - 2,
Greater Chennai Corporation,
Zone-V, Royapuram,
No.61, Basin Bridge Road,
Old Washermenpet, Chennai - 600 021.

+1cc to M/S.Aiyar & Dolia, Advocate, S.R.No.86492
+2cc to M/s.K.P.Chandrasekaran, Advocate, S.R.No.86379
+1cc to M/s.S.Thiruvengadam, Advocate, S.R.No.86359 & 86358
+1cc to M/s.A.L.Ganthimathi, Advocaee, SR.NO.86965.

W.P. Nos.26983 & 26994 of 2018

CP (CO)
KAK (02/01/2019)



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