

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.No.30362 of 2018

AND WMP NO.35669 OF 2018

Lokabiraman

.. Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Park Town,
Chennai - 600 003.

3.The Executive Engineer,
The Planning Officer,
Zone 7 Division,
Local Planning Authority,
Ambattur,
Chennai - 600 053.

4.J.Ragupathi

5.Pushgaram

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation dated 30.04.2018 addressed to the third respondent in person to stop unauthorized construction of building on the premises bearing No.65/16, M.T.H. Road, Varadarajapuram, Ambattur, Chennai - 600 053, in violation of building rule by the respondents 4 and 5 and take legal and appropriate action under Section 56 of Tamil Nadu Town and Country Planning Act, 1971 and Section 256 of CCMC Act, 1919 by

demolishing the unauthorized construction.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents: Mr.Karthik Rajan
for respondent No.1

Mr.V.C.Selvasekaran
for respondent Nos.2 & 3

Mr.B.K.Singh
for respondent No.4

O R D E R

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

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the written representation dated 30.04.2018 addressed to the third respondent in person to stop unauthorized construction of building on the premises bearing No.65/16, M.T.H. Road, Varadarajapuram, Ambattur, Chennai-53 in violation of the building rule by the respondents 4 and 5 and take legal action under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 and Section 256 of Chennai City Municipal Corporation Act, 1919 by demolishing the unauthorized construction.

2. When the writ petition is taken up for hearing, the learned counsel appearing for the respondents 2 and 3 has filed the counter-affidavit of the third respondent along with typed set of papers. In the counter affidavit of the third respondent, it has been stated that on 27.11.2018, the third respondent has issued stop work notice to respondent Nos.4 and 5 and also lock and seal notice was issued to respondent Nos.4 and 5 on 10.12.2018.

3. Since the third respondent has already taken action against the illegal construction put up by respondent Nos.4 and 5 by issuing stop work notice and lock and seal notice, the relief sought for in the writ petition has become infructuous. Accordingly, the writ petition is dismissed as infructuous. No costs. Consequently, W.M.P.No.35449 of 2018 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

+1 cc to Mr.Kathik Rajan, Advocate Sr.No.86925
+1 cc to Mr.B.K.Singh, Advocate Sr.No.86404
+1 cc to Mr.J.R.K.Bhavanantham, Advocate Sr.No.86160

W.P.No.30362 of 2018

MR (CO)
CSL/03.01.2019



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