

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.1196 of 2019

D.Jegadhammal .. Petitioner

v.

1 The Commissioner
Greater Chennai Corporation
Rippon Building
Part Town, Chennai

2 The Executive Engineer
Zone-V, Greater Chennai Corporation
Basion Bridge Road
Chennai

3 A.Moorthy .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to demolish the unauthorized construction put up by the 3rd respondent in petitioner premises No.12, Narayana Saranga Garden, Clive Battery, Chennai - 600 001 based on the letter of the 2nd respondent dated 07.03.2018 and as per the Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.A.Suresh

For Respondents : Mr.V.C.Selvasekaran - for R1 & R2
R3 - Not Ready in Notice

O R D E R

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

Heard Mr.A.Suresh, learned counsel for the petitioner,

and Mr.V.C.Selvasekaran, learned counsel for the respondent Nos. 1 and 2.

2. The prayer of the petitioner is for a direction to be issued to the respondent Nos. 1 and 2 to demolish the unauthorized construction put up by the respondent No.3 in the premises No.12, Narayana Saranga Garden, Clive Battery, Chennai - 600 001.

3. The learned counsel for the respondent Nos. 1 and 2 has tendered the counter-affidavit of respondent No.2, wherein it is stated that action has been initiated by inspecting the site in question by the Assistant Executive Engineer Unit-13, Zone V, Greater Chennai Corporation on 15.11.2017. In the affidavit, it is further stated that immediately after inspecting the site in question action has been initiated by issuing a Stop Work Notice/Notice Calling for Approved Plan under section 56(1) and 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971, dated 15.11.2017 to the respondent No.3. Thereafter, it is stated that since the respondent No.3 has failed to comply with the above notice, further action had been taken by issuing a Lock & Seal and Demolition Notice under section 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971, dated 29.11.2017 to the respondent No.3. In continuation of the above notice, further action had been initiated by issuing a De-occupation Notice under section 56 sub Section 2(A) & 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971, dated 06.02.2018 to the respondent No.3.

4. From the averments stated in the counter affidavit filed by the respondent No.2, it is clear that the authorities are taking necessary action in accordance with law in relation to the unauthorised construction put up by respondent No.3

5. In view of the above facts, no further orders are necessary at this stage and the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Rj

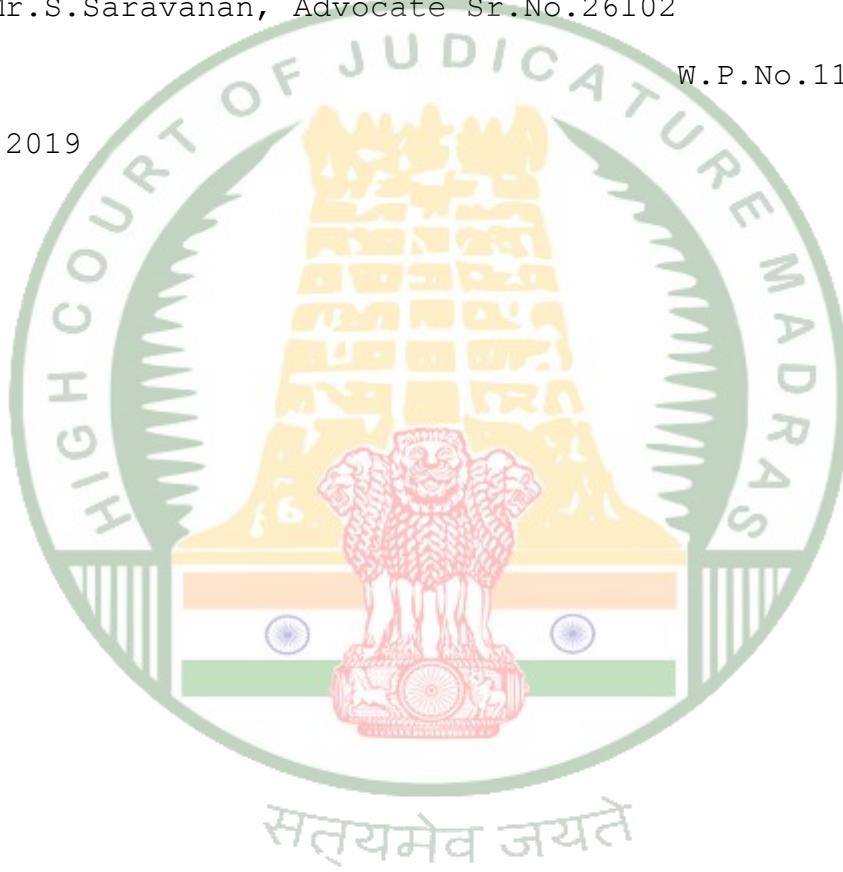
To

- 1 The Commissioner
Greater Chennai Corporation
Rippon Building
Part Town, Chennai
- 2 The Executive Engineer
Zone-V, Greater Chennai Corporation
Basion Bridge Road
Chennai.

+1 cc to Mr.S.Saravanan, Advocate Sr.No.26102

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PPA(CO)
CSL/22.04.2019



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