

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.858 of 2019 and
W.M.P.No.945 of 2019

M.Sundaraiyan

.. Petitioner

v.

- 1.The State of Tamil Nadu
Rep by its Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai – 9.
- 2.The Principal Secretary/Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 8.
- 3.The Commissioner,
Greater Chennai Corporation,
Chennai – 3.
- 4.K.Vijayalakshmi
- 5.The Superintending Engineer,
Chennai Electricity Distribution Circle (South),
No.110/33, Kundrathur High Road,
Porur, Chennai – 116.
- 6.The Chairman and Managing Director,
Chennai Metro Water Supply and
Sewerage Board, Chennai – 2.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified mandamus calling for the records relating to the letter/order of the 1st respondent dated 07.12.2018 made in Letter No.6748/UD-VI(1)/2018-4, quash the same and consequently, direct the 3rd respondent to demolish the unauthorized construction put up by the 4th respondent in Door No.4, Thirumurugan Nagar, 2nd Cross Street, Porur, Chennai – 600 116.

For Petitioner : Mr.C.Sivanesan

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) - for R1

Mr.S.Thiruvengadam - for R2

Mr.V.C.Selvasekaran - for R3

Mr.P.Shanmugaraja - for R4

Mr.S.K.Rameshwar - for R5

Mr.Janakiraman - for R6

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the letter/order of the 1st respondent dated 07.12.2018, to quash the same and consequently direct the 3rd respondent to demolish the

unauthorized construction put up by the 4th respondent in Door No.4, Thirumurugan Nagar, 2nd Cross Street, Porur, Chennai.

2. The petitioner has challenged the order passed by the 1st respondent dated 07.12.2018 under section 80-A of the Town and Country Planning Act, filed by the 4th respondent. In the said order, the 4th respondent was directed to submit a fresh planning permission application to the Greater Chennai Corporation with all the necessary details including the evidence to establish the right of the 4th respondent to put up the construction in the site under reference and Greater Chennai Corporation was informed to admit and dispose of the planning application on merits. The 4th respondent was also directed not to proceed with the construction without obtaining planning permission.

3. The learned counsel appearing for the 3rd respondent submitted that pursuant to the order passed by the 1st respondent dated 07.12.2018, the 4th respondent submitted the application for planning permission and the 3rd respondent had rejected the same. Further, the learned counsel submitted that as against the rejection of

the planning permission, the 4th respondent has filed an appeal under section 79 of the Town and Country Planning Act and the same is pending.

4. In view of the rejection of the planning permission and the pendency of the appeal filed by the 4th respondent, no order need be passed in this Writ Petition. Accordingly, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

(V.K.T., C.J.) (M.D., J.)
20.03.2019

Index : Yes/No

Speaking Order/Non Speaking Order

Rj

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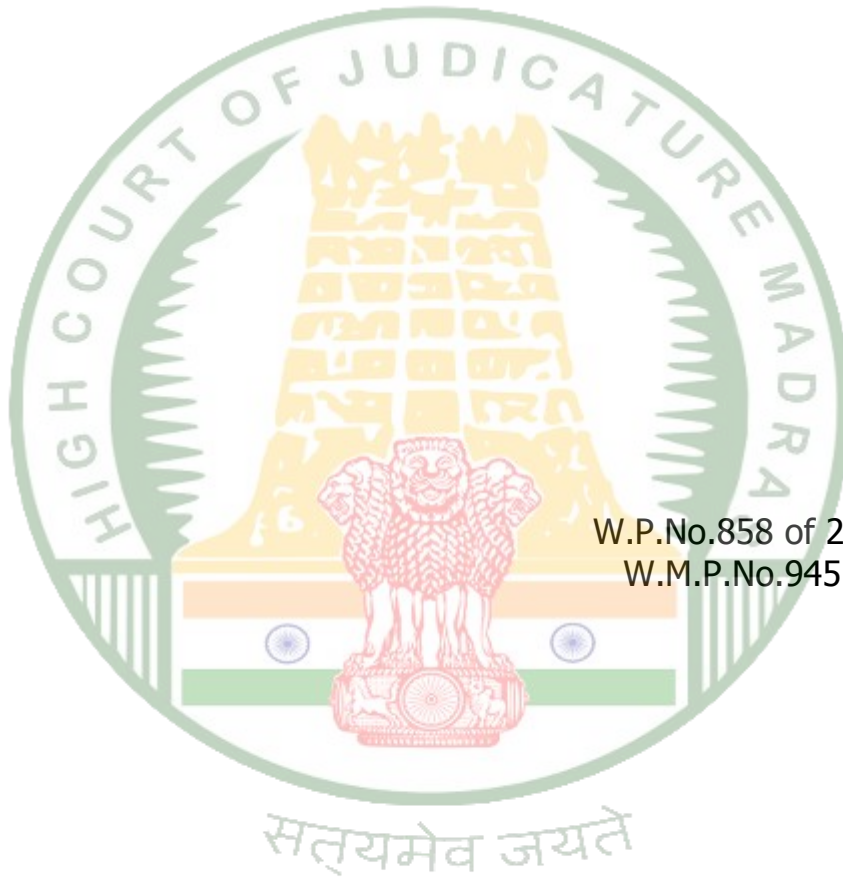
To

- 1.The Additional Secretary (Technical),
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- 2.The Principal Secretary/Member Secretary,
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Chennai – 8.
- 3.The Commissioner,
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THE HON'BLE CHIEF JUSTICE
AND
M. DURAISWAMY,J.

Rj



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