

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.3804 of 2019

1 Madhava Rao
2 Pandian
3 K.Rajagopalan
4 Sathish Raghupathy
5 Anil Kamlesh Dhanani
6 Naryanan Srinivasan
7 A.Guruva
8 S.Jagan Mohan Rao
9 Prasad
10 Amuthan.S
11 Senguttuvan .M
12 Vajiravelu Jayakumar
13 Aftha Begum
14 Subbalaxmi
15 Nassarali Alibasha
16 Naznekathu ...Petitioners

Vs

1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai - 600 003.
2 The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore
Chennai - 600 008.
3 The Executive Engineer
Planning and Development
Ward No.134 Zone 10
Corporation of Chennai
Chennai-600 003.

4 Rajni Foundation Private Limited
New No.2, Old No.39
Damodaran Street
T.Nagar Chennai-600 017.

5 K.Banumathi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to remove the illegal and unauthorized construction put up by respondents 4 and 5 illegally encroaching the public road situated at Block No.48, Plot No.5, TS No.9/9, Baskara Street, Rangarajapuram Chennai-600 024.

For Petitioners : Mr.Karthikeyan Sekar

For Respondents : Dr.C.Ravichandran
for respondents 1 and 3

Mr.S.Thiruvengadam
for 2nd respondent

Mr.S.Mohan
for 4th respondent

Mr.P.Ilayarajkumar
for M/s.Ramalingam
Associates
for 5th respondent

ORDER

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

The petitioners have filed the above writ petition to issue a writ of mandamus directing the third respondent to remove the illegal and unauthorized construction put up by respondents 4 and 5 illegally encroaching the public road situated at Block No.48, Plot No.5, TS No.9/9, Baskara Street, Rangarajapuram Chennai-600 024.

2. It is the case of the petitioners that respondents 4 and 5 have put up construction illegally encroaching the public road situated at Block No.48, Plot No.5, TS No.9/9, Baskara Street, Rangarajapuram Chennai-600 024.

3. The third respondent has filed a counter affidavit, wherein it has been stated that the vacant plot at T.S.No.9/9

(Part), Block No.48, Puliyur Village in Rangarajapuram area is a patta land owned by one Banumathy, as per the revenue records submitted by the plot owner. Further, the third respondent has stated that on receipt of a complaint dated 18.12.2018 from one C.Madhava Rao and others residing at Baskara Street, Rangarajapuram, the Corporation Officials have inspected the site on 20.12.2018 and it was found that the construction activities were in progress at foundation level and few columns were positioned at the land in dispute and, therefore, the third respondent has issued a Stop Work Notice dated 20.12.2018 to the building owner and subsequently, further construction work was stopped by the owner. That apart, the third respondent stated that the Greater Chennai Corporation has granted the building plan approval as per the existing law in force and there is no violation of law in sanctioning the planning permission. It is stated that when set back violations were observed with the ongoing construction at foundation level, the authorities have taken necessary action as per law and issued Stop Work Notice and halted further construction activity.

4. The learned counsel for the third respondent submitted that the third respondent would proceed further and act in accordance with law as against the alleged illegal construction put up by respondents 4 and 5.

5. In these circumstances, since the third respondent is taking action in respect of the alleged illegal construction put up by respondents 4 and 5, we do not find any reason to further direct the authorities to take action.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.4220 of 2019 is closed.

sasi

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner
Corporation of Chennai
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Chennai - 600 003.

2 The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore
Chennai - 600 008.

3 The Executive Engineer
Planning and Development
Ward No.134 Zone 10
Corporation of Chennai
Chennai-600 003.

+1cc to Mr.S.Thiruvengadam, Advocate, SR.No.63053

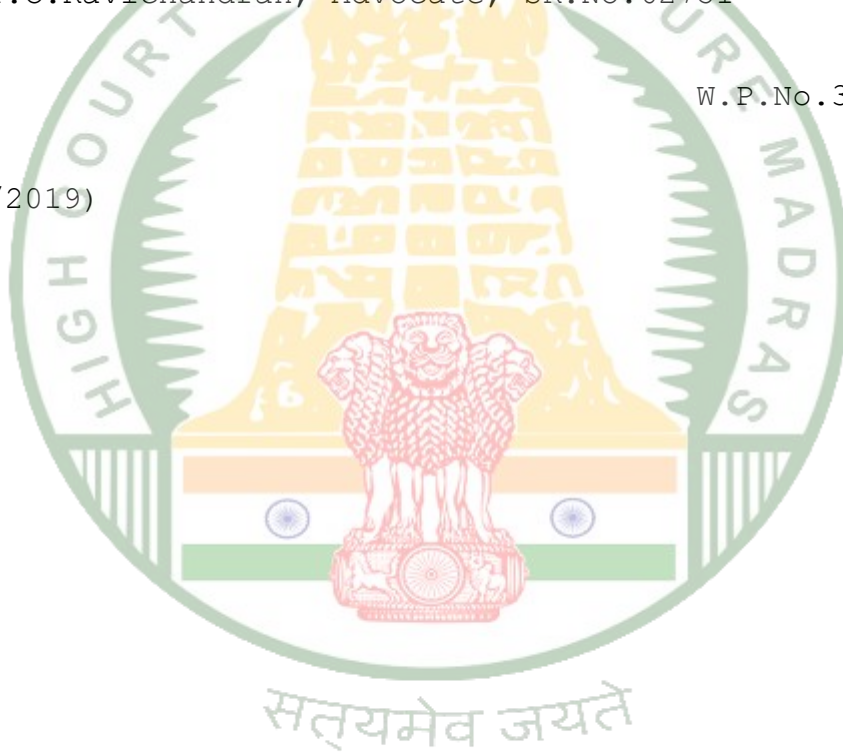
+2cc to M/s.Ramalingam & Associates, Advocates, SR.No.63046

+1cc to Mr.S.Mohan, Advocate, SR.No.62910

+1cc to Mr.C.Ravichandran, Advocate, SR.No.62751

W.P.No.3804 of 2019

Kak(03/09/2019)



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