

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.1106 of 2019
and W.M.P.No.1250 of 2019

C.Daniel

.. Petitioner

-vs-

1.The Commissioner,
Tambaram Municipality,
No.1, Muthuranga Mudali Street,
West Tambaram, Tambaram, Chennai 600 045.

2.The Chennai Metropolitan Development
Authority, Rep.by its Chief Executive
Officer, Dr.M.Mathivanan, I.A.S.,
"Thalamuthu Natarajan Maaligai", No.1,
Gandhi Irvin Road, Egmore, Chennai 600 008.

3.Chandraleka .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to take appropriate further action in pursuance of its Notice bearing Ref.No.1905/14-F1 dated 31.07.2018.

For Petitioner : Mr.Ezhil Raj

For Respondents : Mr.P.Srinivas
Stdg. Counsel for R-1
: Mr.S.Thiruvengadam
Stdg. Counsel for R-2
: Mr.K.Harishankar for R-3

O R D E R

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

The above writ petition has been filed to issue writ of mandamus directing the first respondent to take further appropriate action in pursuance of the notice dated 31.07.2018.

2. According to the petitioner, the third respondent is his tenant and that she put up construction unauthorisedly without getting planning permission from the first respondent.

3. The first respondent filed a counter wherein it has been stated that a notice dated 31.07.2018 under Sections 57 and 85 of the Tamil Nadu Town and Country Planning Act, 1971, was issued calling for approved plan from the petitioner as well as third respondent. However, neither the petitioner nor the third respondent submitted the planning permission to the first respondent. Further, the first respondent has stated that on inspection, they found no deviation to the approved building plan other than the usage of Fertility Centre and there was no unauthorised construction and therefore, the further action has been kept in abeyance. That apart, the learned counsel for the first respondent has also stated that in fact the first respondent had prepared a note for withdrawal of the notice dated 31.07.2018 in view of the available materials. The learned counsel for the first respondent submitted that once the writ petition is disposed of, the first respondent would withdraw the notice dated 31.07.2018 issued under the provisions of Tamil Nadu Town and Country Planning Act, 1971.

4. The learned counsel appearing for the petitioner submitted that in view of the submission made by the learned counsel for the first respondent and also the averments stated in paragraph 9 of the counter affidavit filed by the first respondent, the writ petition may be closed.

In view of the submissions made by the learned counsel on either side, this writ petition is closed. No costs. Consequently, W.M.P.No.1250 of 2019 is also closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

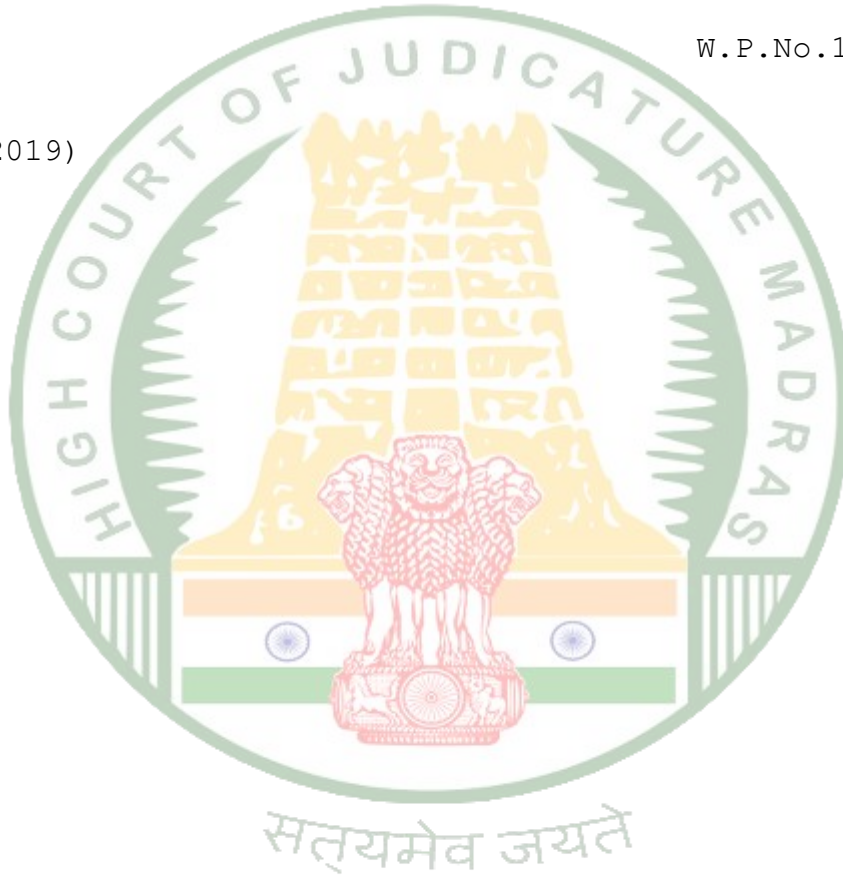
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+2 Ccs to Mr.S.Ezhil Raj, Advocate sr 51552.
+2 Ccs to Mr.K.Harishankar, Advocate sr 51536.
+1 Cc to Mr.P.Srinivas, Advocate sr 52000.

W.P.No.1106 of 2019

GJ(CO)
SP(23/07/2019)



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