

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.2160 of 2019 and

W.M.P.No.2407 of 2019

V.Madhavan

.. Petitioner

vs.

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Egmore, Chennai-600 008
- 2 The Commissioner
Corporation of Chennai
Rippon Buildings
Vepery, Chennai-600 007
- 3 The Zonal Officer, Zone XII
Corporation of Chennai
No.1 New Street
Alandur, Chennai-600 016

4 Kannan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to demolish the illegal construction on T.S.No.40, Door No.32/A, Palandiamman Koil Street, Adambakkam, Chennai-600 088 within the limit of Corporation of Chennai Zone XII and encroachment made on petitioner's property namely, house site building thereon comprised in Old Survey No.112/9 Part, Town Survey No.39/1, an extent of 107.5 sq.mtr., Palandiamman Koil Street, Adambakkam Chennai-600 088 on the eastern side.

For Petitioner : Mr.M.Muthusamy

For Respondents: Mr.S.Thiruvengadam - for R1
Mr.V.C.Selvasekaran - for R2 & R3
Mr.M.Thangadurai - for R4

O R D E R

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

Heard Mr..M.Muthusamy, learned counsel for the petitioner, Mr.S.Thiruvengadam, learned counsel for the respondent No.1, Mr.V.C.Selvasekaran, learned counsel for the respondent Nos. 2 and 3 and Mr.M.Thangadurai, learned counsel for the respondent No.4.

2. The petitioner is seeking direction to the respondent Nos. 1 to 3 to demolish the illegal construction put up by the respondent No.4 on T.S.No.40, Door No.32/A, Palandiamman Koil Street, Adambakkam, Chennai-600 088.

3. The learned counsel for the Corporation has tendered the counter-affidavit of the respondent No.3 wherein it is stated that based on the complaint made by the petitioner, the site of construction of the 4th respondent was inspected by the Assistant Executive Engineer and Assistant Engineer Division 163, on 10.09.2018 and in furtherance of the inspection, notice dated 10.09.2018 was issued u/s 56(1) and 57 read with section 85 of the Tamil Nadu Town and Country Planning Act 1971 (Tamil Nadu Act 35 of 1972 as amended by the Act 61 of 2008) to the respondent No.4 by registered post calling upon to produce the approved plan within 15 days from the date of receipt of the notice failing which further action will be taken in accordance with law. The learned counsel for the Corporation further submitted that the respondent No.4, even after the receipt of the notice dated 10.09.2018, had failed to come forward to submit the approved plan. It is further submitted that since the respondent No.4 even after receipt of the notice had not produced any approved plan, the entire construction made by the respondent No.4 has been treated as unauthorized and accordingly the notice dated 15.02.2019 was issued to the respondent No.4 for Lock and Seal and Demolition notice under section 57 read with section 85 of the Tamil Nadu Town and Country Planning Act 1971 as amended by Act 61 of 2008. Thereafter, in the counter affidavit, it is stated that notice of Locking and Sealing has been served on 15.02.2019 to the son of the respondent No.4 and after expiry of the statutory period, further action will be taken in accordance with law.

4. Thus, it is seen that the authorities are taking necessary action in relation to the unauthorised construction put up by respondent No.4. Hence, no further orders are necessary at this stage and the writ petition is disposed of. No costs. consequently, the connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Rj
To

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Egmore, Chennai-600 008
 - 2 The Commissioner
Corporation of Chennai
Rippon Buildings
Vepery, Chennai-600 007
 - 3 The Zonal Officer, Zone XII
Corporation of Chennai
No.1 New Street
Alandur, Chennai-600 016
- +1 CC to Mr.M.Muthusamy, Advocate sr 36068.
+1 CC to Mr.S.Thiruvengadam, Advocate sr 35584.
+1 CC to Mr.M.Thangadurai, Advocate sr 35245

W.P.No.2160 of 2019 and
W.M.P.No.2407 of 2019

SJ(CO)
SP(28/05/2019)

WEB COPY