

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.31730 of 2003 and

W.M.P.No.38520 of 2003

1. Krishnan Venugopal

2. Harrington Road Residents Association

Rep. By its Secretary

No.2, 4th Avenue

Harrington Road, Chetpet

Chennai - 600 034

... Petitioners

v.

1. Chennai Metropolitan Development Authority

Rep. By its Vice Chairman

Gandhi Irwin Road, Egmore

Chennai - 600 008

2. Corporation of Chennai

Rep. By its Commissioner

Rippon Building

Chennai - 600 003

3. Mr.K.M.Ahamedulla Badsha

4. Ms. Nishat

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to demolish that part of the construction at New No.9, Harrington Road, Chetpet Chennai which is in violation of the sanctioned plan of the second respondent.

For Petitioner : Mr.N.L.Raja , Senior Counsel
for Mr.R.Kumar

For Rspondents : Mr.S.Thiruvengkam - for R1
Mr.R.Arunmozhi - for R2
Mr.T.P.Sankaran - for R3
R4- Dismissed vide order
dated 05.08.2011.

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 and 2 to demolish the part of the construction at New No.9, Harrington Road, Chetpet Chennai, which is in violation of the sanctioned plan of the second respondent.

2. It is the contention of the petitioners that the 3rd respondent had put up construction violating the planning permission granted by the 2nd respondent and therefore, necessary action should be initiated to demolish the part of the construction, which is in violation of the sanctioned plan.

3. The respondents 1 and 2 have filed a separate reports both dated 09.10.2017 wherein they have mentioned the deviations/ violations made by the 3rd respondent with reference to the approved plan.

4. The 3rd respondent filed an affidavit dated 04.12.2017 wherein in paragraph No.13.1, he has stated as follows:-

"13.1 Respectfully submit that in view of the aforesaid circumstances, we respectfully pray for a minimum period of six months time to remove the deviations i.e. The second floor and third floor and the construction in the rear open space at Nw No.9, Harrington Road, Chetpet, Chennai 600 031."

5.The learned counsel appearing for the 3rd respondent submitted that the 3rd respondent may be granted six months time from today to remove the deviations pointed out by the respondents 1 and 2 in their reports dated 09.10.2017. Further, the learned counsel submitted that the 3rd respondent may be permitted to get the electricity and water connection reconnected to carry out the demolition work.

6. The learned counsel appearing for the petitioners objected for getting reconnection of the electricity and water connection to the said building.

7. In view of the averments stated in the affidavit filed by the 3rd respondent, we grant six months time to the 3rd respondent to remove the deviations/violations made in Door No.9, Harrington Road, Chetpet Chennai - 600 031. We also make it clear that no further extension of time will be granted to the 3rd respondent for carrying out the demolition work.

8. So far as the electricity and water connection are concerned, since the connections were disconnected for the reason that the 3rd respondent had violated the planning permission, we are not inclined to give any direction to the authorities for reconnecting the electricity and water connection. However, for removing the deviations/violations made in the above said building, the respondents 1 and 2 are directed to inspect the premises and if the 3rd respondent had removed the construction that were put up violating the planning permission, shall issue a No Objection Letter for getting electricity and water connection. On compliance as stated above, the 3rd respondent is entitled to get reconnection of the electricity and water connection. For the purpose of demolition, the 3rd respondent is at liberty to use the generator.

With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

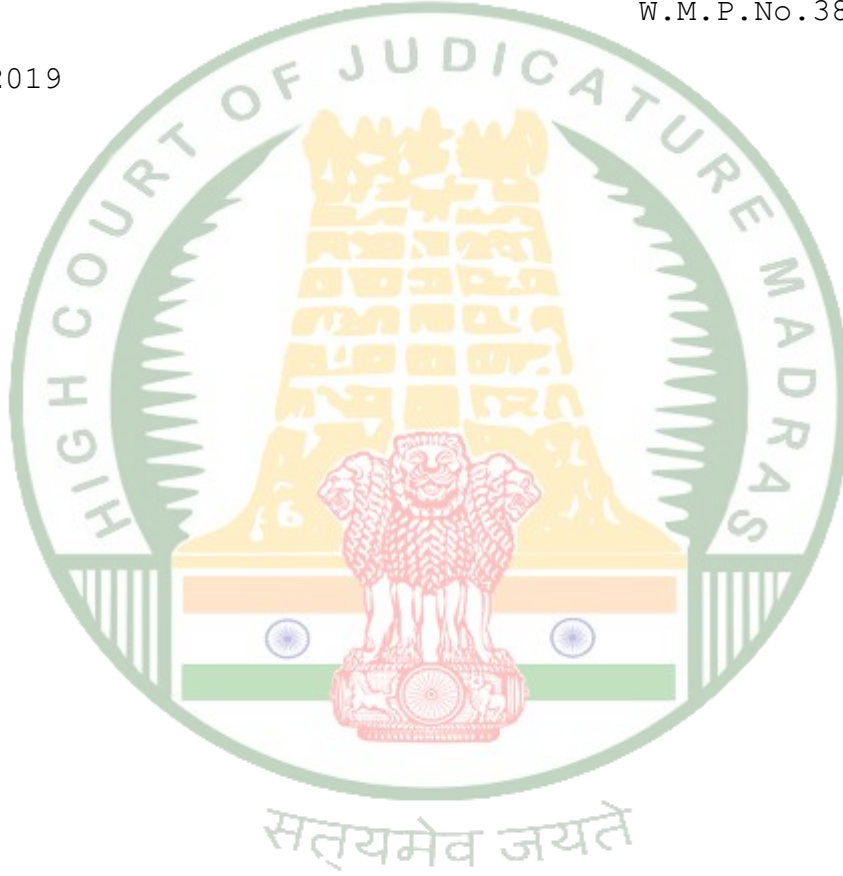
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2. Corporation of Chennai
Rep. By its Commissioner
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Chennai - 600 003.

+1cc to M/s.T.P.Shankaran, Advocate sr.35866
+1cc to Mr.R.Kumar, Advocate sr.35904
+1cc to Mr.S.Thiruvengadam, Advocate sr.36628
+1cc to M/s.R.Arunmozhi, Advocate sr.36834

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nr 12/06/2019



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