

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

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

W.P.No.36910 of 2007

1 S.M. LAKSHMANAN
2 T. RAGHAVA .. Petitioners

Vs

1 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
GANDHI IRWIN ROAD
CHENNAI - 600 008.

2 THE COMMISSIONER
CORPORATION OF CHENNAI
CHENNAI - 600 003.

3 THE ASSISTANT ENGINEER
75th DIVISION, CORPORATE OFFICE
KANNAGI STREET, ASOKA NAGAR
ARUMBAKKAM, CHENNAI - 106.

4 THE TAHSILDAR
EGMORE-NUNGAMBAKKAM TALUK OFFICE
CHENNAI - 31.

5 THE DISTRICT COLLECTOR
CHENNAI.

6 THE INSPECTOR OF POLICE
F-5, POLICE STATION
CHOLLAIMEDU
CHENNAI - 94

7 G. RAJAGOPAL
PARTNER OF GURULAKSHMI HOMES
NO.21, D2, VANNIAR 2ND STREET
CHOLLAIMEDU, CHENNAI - 94.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to verify the plan submitted by the 7th respondent to construct three storied building and 4 flats (Ground and first floor) constructed at Nos.1 and 1A, Gurulakshmi Homes and Gurulakshmi Kudil, Vallalar 2nd Cross Street, Padmanabha Nagar, Choolaimedu, Chennai - 94, demolish the illegal construction thereon. (Prayer amended vide court order dated 21.12.2018 made in WMP.No.39056 of 2018)

For Petitioners : Mr.P.Srinivasan

For Respondents : Mr.P.S.Ganesh
for 1st respondent

Mr.V.C.Selvasekaran
for respondents 2 and 3

Mr.S.Kamalesh Kannan
Government Advocate
for respondents 4 to 6

No appearance
for 7th respondent

ORDER

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

The above writ petition has been filed by the petitioners to issue a writ of mandamus directing respondents 1 and 2 to verify the plan submitted by the seventh respondent to construct three-storied building and four flats (Ground and first floor) at Nos.1 and 1A, Gurulakshmi Homes and Gurulakshmi Kudil, Vallalar 2nd Cross Street, Padmanabha Nagar, Choolaimedu, Chennai - 94, and to demolish the illegal construction put up by the seventh respondent.

2. It is the case of the petitioners that the seventh respondent had put up construction violating the planning permission granted to him and, therefore, the official respondents should take appropriate action for removing the unauthorized construction.

3. Mr.V.C.Selvasekaran, learned counsel appearing for respondents 2 and 3 submitted that the said respondents would initiate action in respect of the unauthorized construction put up by the seventh respondent in accordance with the provisions of the Tamil Nadu Town and Country Planning Act, 1971. Further,

the learned counsel submitted that the said exercise would be completed within a period of three months from the date of receipt of a copy of this order.

4. In view of the statement made by the learned counsel for respondents 2 and 3, we do not find any reason to give further direction to the official respondents for taking action.

Recording the submission made by the learned counsel for respondents 2 and 3, the writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2007 is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To:

- 1 THE MEMBER SECRETARY
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- 6 THE INSPECTOR OF POLICE
F-5, POLICE STATION
CHOOOLAIMEDU, CHENNAI -94

+1cc to Mr.P.Srinivasan, Advocate SR.No.64285

+1cc to Government Pleader SR.No.65024

W.P.No.36910 of 2007

VG I (CO)
GMV (19/08/2019)



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