

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.3438 of 2019

and

W.M.P.No.3735 of 2019

Priya Vijayaraghavan

... Petitioner

Vs.

1.The State of Tamil Nadu
rep by its Secretary,
Housing and Urban Development,
Chennai.

2.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

3.N.M.Rajendran

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the 2nd respondent to ensure that the 3rd respondent removes the offending constructions put up by the 3rd respondent in utter violation of the sanctioned plan bearing BA/WDCN05/05787/2018 dated 25.10.2018.

For Petitioner

: Mr.V.Rajeesh Babu
and Benjamin E.Moses

For Respondents

: Mr.S.Kamalesh Kannan,
Government Advocate (R1)

Mr.V.C.Selvasekaran (R2)

Mr.A.Palaniappan (R3)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus to direct the 2nd respondent to ensure that the 3rd respondent removes the offending constructions put up by the 3rd respondent in utter violation of the sanctioned plan dated 25.10.2018.

2.It is the case of the petitioner that the 3rd respondent is putting up construction at Old No.11, New No.21, East Ramanathan Street, Chetpet, Chennai - 31 violating the planning permission granted to him.

3.The Regional Deputy Commissioner, Corporation of Chennai filed a counter wherein it has been stated that the site in question was inspected by the authorities and a notice dated 14.02.2019 under Sections 56, 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act to stop work calling for the approved plan was issued to the 3rd respondent. Further, the 2nd respondent has stated that in response to the the stop work notice, the 3rd respondent has stopped the construction and agreed to commence the work only after obtaining clearance from the 2nd respondent.

4.The learned counsel appearing for the 3rd respondent submitted that the 3rd respondent has not violated the planning permission granted to him and therefore, the issuance of the notice under Sections 56, 57 read with Section 85 of the Act is erroneous.

5.Since the 2nd respondent has already issued notice dated 14.02.2019 to the 3rd respondent, the remedy open to the 3rd respondent is only to challenge the same in accordance with law. As the 2nd respondent has already initiated action in respect of the alleged unauthorized construction, no further direction need be issued to the 2nd respondent.

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

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

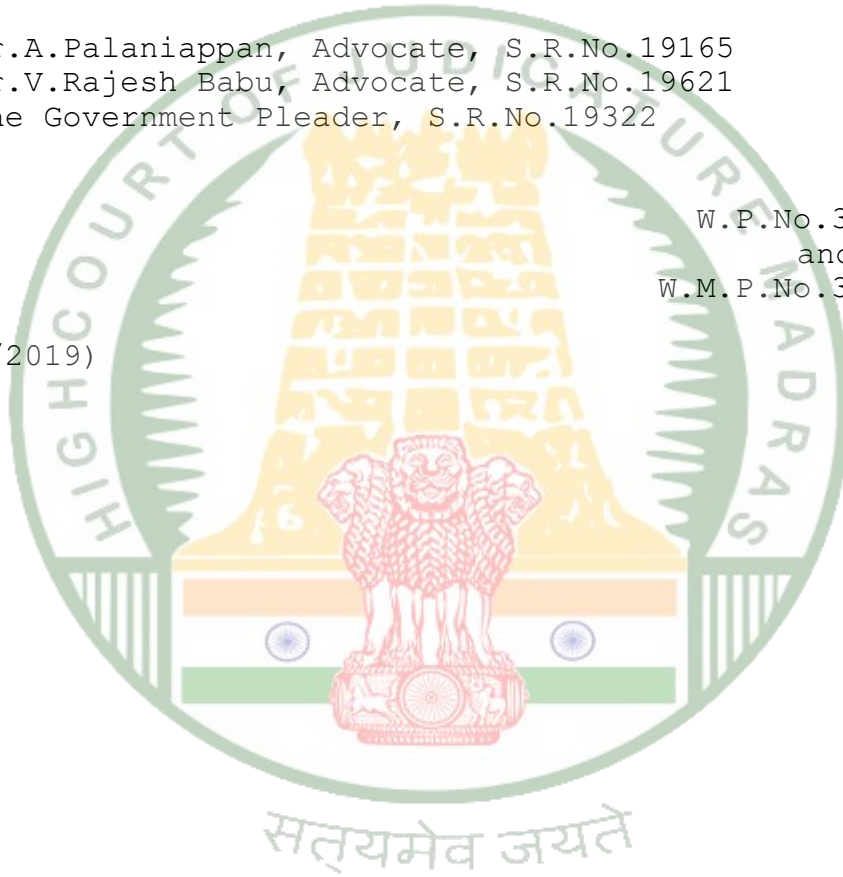
1.The Secretary,
State of Tamil Nadu
Housing and Urban Development.
Chennai.

2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.1

+1cc to Mr.A.Palaniappan, Advocate, S.R.No.19165
+1cc to Mr.V.Rajesh Babu, Advocate, S.R.No.19621
+1cc to the Government Pleader, S.R.No.19322

W.P.No.3438 of 2019
and
W.M.P.No.3735 of 2019

Kak (26/03/2019)



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