

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.3538 of 2019

Mrs.A.Chandra

.. Petitioner

v.

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai - 600 003

2. The Executive Engineer (Zone-II)
Corporation of Chennai
Valsaravakkam
Chennai - 600 08

3 K.Senthilvel

4. C.Dhinesh

5. A.Suresh

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 and 2 to take necessary steps in pursuant of the Notices issued by the C.M.D.A. Dated on 02.08.2018 for Lock and Seal & Demolition and dated 29.10.2018 for De-occupation within 10 days from the date of issuance of Notice and consequently direct the Authority to demolish the building completely and to hand over the petitioner's vacant possession without any hindrance.

For Petitioner : Mrs.E.Thamizhannai

For Respondents : Mr.C.Ravichandran - for R1 & R2

Not Ready in Notice - for R3 to R5

O R D E R
(Order of the Court made by The Hon'ble Chief Justice
and M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 and 2 to take necessary steps in pursuant to the notices issued by the C.M.D.A., dated 02.08.2018 for Lock and Seal & Demolition and dated 29.10.2018 for De-occupation within 10 days from the date of issuance of notice and consequently direct the Authority to demolish the building completely and hand over the petitioner's vacant possession without any hindrance.

2. It is the case of the petitioner that the respondents 1 and 2 are not taking any action in respect of the unauthorized construction made by the respondents 3 to 5.

3. The learned counsel appearing for the respondents 1 and 2 submitted that the respondents 1 and 2 have already issued Stop Work Notice/Notice calling for Approved Plan, dated 16.04.2018, thereafter, Locking and Sealing and Demolition Notice, dated 02.08.2018 and De-Occupation Notice, dated 29.10.2018 and therefore, the contention of the petitioner that the respondents 1 and 2 have not taken any action as against the unauthorized construction is not correct. Further, the learned counsel submitted that aggrieved over the De-Occupation Notice, the private respondents have also filed appeals and the same are pending. In fact, the respondents 4 and 5 have filed Writ Petitions in W.P.Nos. 3883 and 3884 of 2019 to forbear the Corporation from Locking and Sealing the building pending consideration of the revision/appeal, dated 06.02.2018 filed under section 80-A of the Town and Country Planning Act and this Court, by order dated 14.02.2019 directed the Secretary, Housing and Urban Development Department to dispose of the Stay Petition within a period of 10 days.

4. Since it is evident that the respondents 1 and 2 have already taken steps in respect of the unauthorized construction and the private respondents have also filed appeals as against the notice issued by the Authority, we do not find any reason to give further direction to the respondents 1 and 2.

5. In view of the same, recording the submissions made by the learned counsel for the respondents 1 and 2, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Rj

To

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai - 600 003

2. The Executive Engineer (Zone-II)
Corporation of Chennai
Valsaravakkam
Chennai - 600 08

+1cc to Mr.C.Ravichandran, Advocate SR.No.17847

+1cc to Mr.E.Thamizhannai, Advocate SR.No.18674

W.P. No.3538 of 2019

RJI (CO)
GMY (22/03/2019)

सत्यमेव जयते

WEB COPY