

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.DURAIWAMY

W.P. No.8297 of 2018

G.Pandian

.. Petitioner

Vs.

- 1.The District Collector,
Kancheepuram District,
Collectorate Compound,
Vandavasi Road, Kancheepuram HO,
Kancheepuram - 631 501.
- 2.The Commissioner,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai - 600 064.
- 3.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Chennai - 600 119.
- 4.The President,
Nanmangalam First Grade Panchayat,
Nanmangalam Panchayat Office,
Ezhumalai Road,
Nanmangalam, Chennai - 600 117.
- 5.The Sub Registrar,
Pallavaram Sub Registration Office,
Second Main Road, Pallavaram,
New Colony, Chrompet, Chennai - 600 044.
- 6.S.Senthil Kumar
- 7.M/s.Balu Builders,
rep by its Proprietor M.Balu,
No.37, Gandhi Street,
Karunanidhi Nagar, Ullagaram,
Chennai - 600 091.

8.Amjath Khan A.A

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents 1 to 5 to take necessary action to demolish the illegal construction constructed on the ground floor by encroaching the car parking of the "Balambigai Flats" situated at Plot No.19, G-1, comprised in Survey No.278/1C and situated at No.19, Nanmangalam Village, "Anna Street", Sholinganallur Taluk, Kancheepuram District.

For Petitioner : Mr.Vengai I.Prakash Raj
For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (I/c) (R1 & R3)

Mr.T.M.Pappiah,
Special Government Pleader (R2, R4 & R5)
R6 to R8 - no appearance

O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of mandamus to direct the respondents 1 to 5 to take necessary action to demolish the illegal construction constructed on the ground floor by encroaching the car parking of the "Balambigai Flats" situated at Plot No.19, G-1, comprised in Survey No.278/1C and situated at No.19, Nanmangalam Village, "Anna Street", Sholinganallur Taluk, Kancheepuram District.

2.The 2nd respondent filed a status report wherein it has been stated that on inspection of the premises it was noticed that the planning permission was violated by the private respondents, therefore, a notice under Sections 56, 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, was issued.

3.Earlier, the Writ Petitioner, along with four others, filed a Writ Petition in W.P.No.4331 of 2019 to issue a Writ of mandamus to direct the respondents to dispose of the appeal dated 31.01.2019 filed against the notice dated 22.01.2019. This Court, by order dated 14.02.2019, directed the Appellate Authority to dispose of the stay petition filed by the petitioner and others within a period of two weeks.

4.Since the two weeks time granted by this Court on 14.02.2019 has not expired, no further direction need be given to the authorities. It is open to the authorities to proceed further in the matter after the Appellate Authority viz., the Principal Secretary, Housing and Urban Development passes order in the appeal preferred by the petitioner.

5.For the reasons stated above, the Writ Petition is dismissed. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

va
To

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+1 CC to M/s.Anuradha Balaji, Advocate sr 18977.
+1 CC to Govt. Pleader sr 19913, 19306.

W.P.No.8297 of 2018

SP(14/03/2019)