

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.4120 of 2019 and
W.M.P.Nos.4629 & 4630 of 2019

R.Manikandan

... Petitioner

v.

1. The Commissioner
Greater Corporation of Chennai
Rippon Building, E.V.R. Salai
Chennai - 600 003
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Thalamuthu Natarajar Maligai
Egmore, Chennai - 600 008.
3. The Zonal Officer
Greater Corporation of Chennai
Zone - III, No.1, Thattankulam Street
Bazaar Raod, Madhavaram
Chennai - 600 060
4. S. Ramesh
5. M.Vanitha Rani
6. T.Ashok Kumar
7. P.R. Nagarajan
8. J.Rajadurai
9. S.Karthikeyan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 and 3 to take appropriate action to demolish the entire illegal/ unauthorized/ deviated construction at Temple View Apartments at Plot No. 41, Santhosh Nagar, Puthagaram, Kolathur, Chennai - 600 099, by making an full-fledged inspection and forthwith to seal the entire deviated structure and take necessary action against the 4th and 5th respondents in terms of the governing provisions taking into consideration of the safety of the lawful owners in the building and to take

immediate action against the 4th and 5th respondents, who have totally floated the rules and regulation governing the building and take appropriate measures immediately as sought for in the petitioner's representations dated 26.12.2016 and 09.01.2017.

For Petitioner : Mr.A.Prakash

For Respondents: Mr.V.C.Selvasekaran - for R1 & R3
Mr.S.Thiruvengadam - for R2
Mr.V.V.Giridhar - for R5
Dr.S.R.Sundaram - for R6 to R9
R4 - Not Ready in Notice

O R D E R

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

The above Writ Petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents 1 and 3 to take appropriate action to demolish the entire illegal construction at Temple View Apartments at Plot No. 41, Santhosh Nagar, Puthagaram, Kolathur, Chennai - 600 099, by making an full-fledged inspection and forthwith to seal the entire deviated structure and take necessary action against the 4th and 5th respondents in terms of Rules and Regulations governing the building and take appropriate measures immediately as sought for in the petitioner's representations dated 26.12.2016 and 09.01.2017.

2. The respondents 1 and 3 have filed their counter wherein it has been stated that the 3rd respondent issued a notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, dated 21.01.2017 for Locking and Sealing and Demolition. Thereafter, a De-occupation notice under section 56 2(A) and 57 read with Section 85 of the Act, dated 17.04.2017, was issued to the respondents 6 to 9.

3. As against the De-occupation notice, the respondents 6 to 9 have filed an appeal before the Housing and Urban Development Department and the same is pending.

4. Since the respondents 1 and 3 have already initiated action in respect of unauthorized construction and that an appeal is pending as against the notice issued for De-occupation, no further direction need be issued to the respondents 1 and 3. Accordingly, the Writ Petition is closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Commissioner
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Zone - III, No.1, Thattankulam Street
Bazaar Raod, Madhavaram
Chennai - 600 060.

+1cc to Mr.A.Prakash, Advocate Sr.22522
+1cc to Mr.S.Thiruvengadam, Advocate Sr.22873
+1cc to Dr.S.R.Sundaram, Advocate Sr.22555

W.P. No.4120 of 2019 and
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