

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.6293 of 2019

M.Ashok Mootha

... Petitioner

v.

1 The Member Secretary,  
Chennai Metropolitan Development Authority,  
Gandhi Ervin Road,  
Egmore, Chennai - 600 008

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

3 The Commissioner  
Kuntrathur Panchayat Union,  
Padappai

4 Mr.B.Ugamraj Mootha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Mandamus, directing the first and second respondents to remove the unauthorized construction in Plot No.4/59A, Old S.No. 48/1A, New S.No. 48/1A2 to 1A5, obstructing the pathway Manappakkam Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner :Mr.S.Sethuraman

For Respondents :Mr.P.S. Ganesh - for R1  
Dr..C.Ravichandran - for R2  
Mr.v.Jayaprakah Narayanan,  
Govt. Pleader (i/c) - for R3  
Mr.T.Mohan for M/s.Nivedita  
S.Menon for R4.

ORDER  
(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, directing the respondents 1 and 2 to remove the unauthorized construction in Plot No.4/59A, Old S.No. 48/1A, New S.No. 48/1A2 to 1A5, obstructing the pathway Manappakkam Village, Sriperumbudur Taluk, Kancheepuram District.

2. It is the case of the petitioner that after receiving the complaint from the petitioner, the premises was inspected by the Assistant Executive Engineer, Unit-35 and Assistant Engineer, Division-157 on 21.05.2018. Further, the Engineers also verified the copy of the plan given by the 4<sup>th</sup> respondent and on verifying the plan found that there was no violation done in the building as mentioned by the petitioner in his complaint.

3. The 2<sup>nd</sup> respondent also issued a notice calling upon the 4<sup>th</sup> respondent to produce the approved plan on 23.03.2019 and pursuant to the same, the 4<sup>th</sup> respondent also produced the approved plan. On verifying the same and on inspection, the 2<sup>nd</sup> respondent found that no violation done in the building as mentioned by the petitioner.

4. The learned counsel appearing for the 2<sup>nd</sup> respondent also produced the inspection report dated 05.04.2019 and also the plans annexed thereto.

5. Since the authority himself has stated that the 4<sup>th</sup> respondent has not violated the approved plan, we find no reason to disbelieve the stand taken by the 2<sup>nd</sup> respondent.

6. In view of the specific averment mentioned in the inspection report to the effect that the 4<sup>th</sup> respondent has not violated the approved plan, no direction need be given to the official respondents. Accordingly the Writ Petition is closed. No costs.

-s/d-

Assistant Registrar (CSIII)

True Copy

Sub-Assistant Registrar

Rj

To

1 The Member Secretary,  
Chennai Metropolitan Development Authority,  
Gandhi Ervin Road,  
Egmore, Chennai - 600 009

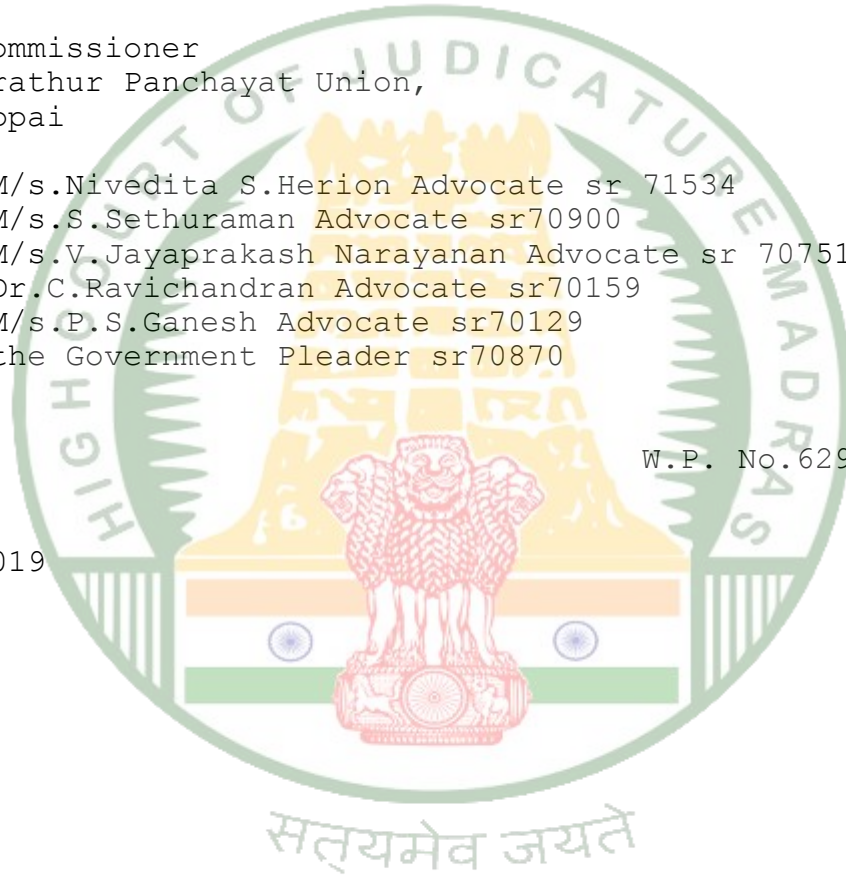
2 The Commissioner,  
Corporation of Chennai,  
Rippon Building,  
Chennai - 600 003

3 The Commissioner  
Kuntrathur Panchayat Union,  
Padappai

+1 cc to M/s.Nivedita S.Herion Advocate sr 71534  
+1 cc to M/s.S.Sethuraman Advocate sr70900  
+1 cc to M/s.V.Jayaprakash Narayanan Advocate sr 70751  
+1 cc to Dr.C.Ravichandran Advocate sr70159  
+1 cc to M/s.P.S.Ganesh Advocate sr70129  
+1 cc to the Government Pleader sr70870

W.P. No.6293 of 2019

aa18/09/2019



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