

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.9414 of 2019

S.Thakeer Ali

.. Petitioner

Vs

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 002.
- 2 The Assistant Commissioner
Corporation of Chennai
Zone-XII, Alandur
Chennai - 600 016.
- 3 The Chennai Metropolitan Development Authority
Rep. by its Member Secretary
Thalamuthu Natarajan Maligai
Gandhi Irwin Road, Egmore
Chennai - 600 008.
- 4 The General Manager
Southern Railway
Chennai - 600 002.

5 S.M.Gutha

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 1 to 4 to remove the illegal super structure by way of unauthorized construction put up by the 5th respondent measuring an extent of 2400 sq.ft. at Door No.3, Muthiyal Reddy 2nd Lane, Alandur, Chennai - 600 016.

For Petitioner : Mr.T.Ramachandran

For Respondents : Mr.V.C.Selvasekaran
for respondents 1 and 2

Mr.P.T.Ram Kumar
for 4th respondent

Mr.R.Sanjay Kumar
for 5th respondent

No appearance
for 3rd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard Mr.T.Ramachandran, learned counsel for the petitioner; Mr.V.C.Selvasekaran, learned counsel for respondents 1 and 2; Mr.P.T.Ram Kumar, learned counsel for the fourth respondent and Mr.R.Sanjay Kumar, learned counsel for the fifth respondent.

2. The prayer of the petitioner is that directions be issued to respondents 1 to 4 to remove the illegal superstructure put up by way of unauthorized construction by the 5th respondent at Door No.3, Muthiyal Reddy 2nd Lane, Alandur, Chennai - 600 016.

3. The learned counsel for the Corporation submitted that they have undertaken necessary steps to demolish the unauthorized construction put up by the fifth respondent. They have issued a Locking and Sealing and Demolition notice dated 6.4.2019 to the fifth respondent. However, the fifth respondent, being aggrieved by the said notice, filed a statutory appeal on 22.4.2019 before the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai. Pending consideration of the said statutory appeal, the fifth respondent preferred W.P.No.14485 of 2019 to direct the respondent authorities not to proceed further pursuant to the Locking and Sealing and Demolition notice dated 6.4.2019. This Court, by order dated 29.5.2019, disposed of the said writ petition directing that the said appeal be disposed of within three months from the date of receipt of a copy of the said order passed in W.P.No.14485 of 2019. It was further observed in the order dated 29.5.2019 that till the disposal of the statutory appeal, no coercive steps shall be taken against

the fifth respondent herein.

4. Thus, it is seen that the Corporation is taking necessary steps in relation to the unauthorized construction.

In view of the steps taken by the respondent Corporation and in the light of the order dated 29.5.2019 passed by this Court in W.P.No.14485 of 2019, no further orders are necessary in this writ petition. Accordingly, the writ petition is closed. No costs.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

sasi
To:

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 002.
- 2 The Assistant Commissioner
Corporation of Chennai
Zone-XII, Alandur
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- 3 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
Gandhi Irwin Road, Egmore
Chennai - 600 008.
- 4 The General Manager
Southern Railway
Chennai - 600 002.

+1cc to Mr.T.Ramachandran, Advocate SR.No.45720
+1cc to Mr.P.T.Ram Kumar, Advocate SR.No.45184
+1cc to Mr.S.Aruradhabalaji, Advocate SR.No.45172

W.P.No.9414 of 2019

RSV(CO)
GMY(27/06/2019)