

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.6127 of 2019 and

W.M.P.No. 6955 of 2019

1. K.J. Kalpana

2. K. Krishnamurthy

.. Petitioners

Vs.

1 The Member Secretary,,
Chennai Metropolitan Development Authority,
"Thalamuthu Natarajan Buildings",
No.1 Gandhi Irwin Road,
Egmore, Chennai- 600 008

3 The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003.

3. Zonal Executive Engineer,
Zonal Office, Zone VII (Ambattur),
Thiruvallur High Road (Opp. To Dunlop),
Ambattur, Chennai - 600 053.

4. M/s. JMV Infrastructure (India) Pvt. Ltd.,
Rep. By its Director, Mr.D.Gajendran,
No.3, Avenue Road, Nungambakkam,
Chennai - 600 034.

5 G.Bhagyalakshmi

6 Mr.Vikram Gajendran

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd respondent herein to remove the unauthorized construction put up by the 4th respondent herein in the property bearing Door No.233/A1 and 233/A2, Raja Street, Padi, Chennai - 600 050.

For Petitioner : Mr.K.Venkatasubban
For Respondents: Mr.S.Thiruvengadam - for R1
Mr.V.C.Selvasekaran - for R2 & R3
Mr.V.P.Sengottuvel - for R4 to R6

O R D E R

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

Heard Mr.K.Venkatasubban, learned counsel for the petitioner, Mr.S.Thiruvengadam, learned counsel for the respondent No.1, Mr.V.C.Selvasekaran, learned counsel for the respondent Nos. 2 and 3 and Mr.V.P.Sengottuvel, learned counsel for the respondent Nos. 4 to 6.

2. The petitioner is seeking direction to the 2nd respondent Corporation to remove the unauthorized construction put up by the 4th respondent in the property bearing Door Nos.233/A1 and 233/A2, Raja Street, Padi, Chennai - 600 050. .

3.1 The learned counsel for the Corporation has tendered the counter-affidavit of the 3rd respondent, Zonal Executive Engineer, wherein it is stated that the officials have received the complaint dated 26.09.2016 from the petitioner and on receipt of the same, the building in question was inspected by the Assistant Executive Engineer, Unit-19, Zone-VII and the Assistant Engineer, Division-87, Unit-19, Zone-VII, Greater Chennai Corporation on 08.11.2016. Immediately after inspecting the site in question, action has been taken by issuing a notice calling for approved plan under sections 56 and 57 read with section 85 of the Tamil Nadu Town and Country Planning Act 1971, dated 08.11.2016 to the 4th respondent at Door Nos.233/A1 and 233/A2, Raja Street, Padi, Chennai - 600 050.

3.2 It is further stated in the said counter affidavit that on receipt of the above notice, the 4th respondent submitted 2 nos. of planning approval issued by the Ambattur Municipality. On scrutinizing the planning permission copy submitted by the 4th respondent some deviations were noted. Hence, on 28.11.2016, Locking and Sealing and Demolition notice under Sections 56 and 57 read with Section 85 of the Act, was issued to all the occupants of the building at Door Nos.233/A1 and 233/A2, Raja Street, Padi, Chennai - 600 050, including the petitioner. Thereafter, the Corporation has issued De-Occupation Notice dated 28.03.2019. Against the said De-occupation Notice, all the occupants, except the petitioner, have preferred an appeal under Sections 80-A(1) and 80-A(III) of Tamil Nadu Town and Country Planning Act, 1971 before the Secretary to Government, Housing and Urban Development Department. The said appeal is pending for consideration.

4. Thus, it is seen that the authorities are taking necessary action in relation to the unauthorised construction. Hence, no further orders are necessary at this stage and the Writ Petition is disposed of. No costs. consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

Rj
To

- 1 The Member Secretary,,
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 - 2 The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003.
 3. Zonal Executive Engineer,
Zonal Office, Zone VII (Ambattur),
Thiruvallur High Road (Opp. To Dunlop),
Ambattur, Chennai - 600 053.
- +2 CCS to Mr.V.P.Sengottuvel, Advocate sr 76724.
+1 CC to M/s. Sarvabhuman Associates sr 76678
+1 CC to Mr.S.Thiruvengadam, Advocate sr 76658.

W.P.No.6127 of 2019 and
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सत्यमेव जयते

CP (CO)
SP (20/09/2019)

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