

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.7518 of 2018

H.Vaibav Daga

.. Petitioner

v.

1.Chennai Metropolitan Development Authority,
Rep by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Corporation of Chennai,
Rep by its Commissioner,
Ripon Buildings, Chennai.

3.The Assistant Executive Engineer,
Plan/Approval/Demolition,
Enforcement Authority,
Corporation of Chennai,
Shenoy Nagar.

4.The Assistant Engineer,
Corporation of Chennai,
Zone 10, Kodambakkam,
Chennai.

5.The Executive Engineer,
Divisional Officer,
Corporation of Chennai,
West Mambalam, Chennai - 600 033.

6.Sankar

7.Janki

8.Perumal

9.Ram Pramoth Reddy

10.Velan

11.Durai

12.Lakshmi

(R6 to R12 impleaded as per order dated
13.06.2018 made in W.M.P.No.12992 of 2018)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents to consider the representation of the petitioner dated 11.01.2018 and take appropriate action pursuant to the locking and sealing notice in Letter No.EC2/15882/2012 dated 29.01.2013 issued by the 1st respondent under the Tamil Nadu Town and Country Planning Act, 1971 and demolish the unauthorized/illegal construction at No.30, Lake View Road, Srinath Tower, West Mambalam, Chennai - 600 003.

For Petitioner : Mr.K.Sundararaj

For Respondents: Mr.S.Thiruvengadam - for R1
Mr.A.Nagarajan - for R2, R4 & R5
R3 - No Appearance
R6 to R12 - Not Ready in Notice

O R D E R

(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 to direct the respondents to consider the representation of the petitioner dated 11.01.2018 and take appropriate action pursuant to the locking and sealing notice dated 29.01.2013 issued by the 1st respondent under the Tamil Nadu Town and Country Planning Act, 1971 and to demolish the unauthorized/illegal construction at No.30, Lake View Road, Srinath Tower, West Mambalam, Chennai .

2. It is the case of the petitioner that the 1st respondent issued a stop work notice on 17.10.2012 and thereafter issued a Lock and seal Notice dated 29.01.2013. However, the petitioner has not challenged the said notice as per the provisions of the Tamil Nadu Town and Country Planning Act. Thereafter, he gave a representation dated 11.01.2018 to remove/demolish the unauthorized construction. According to the petitioner, the same is pending.

3. The 1st respondent, by his reply dated 17.01.2018, has informed the petitioner that they have not granted any planning approval to the property.

4. Since the 1st respondent has considered the representation and also sent a reply and also that the

petitioner has approached this Court after a lapse of 6 years from the date of issuance of the stop work notice and Lock and Seal Notice, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/--

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

To

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai.
- 3.The Assistant Executive Engineer,
Plan/Approval/Demolition,
Enforcement Authority,
Corporation of Chennai,
Shenoy Nagar.
- 4.The Assistant Engineer,
Corporation of Chennai,
Zone 10, Kodambakkam,
Chennai.
- 5.The Executive Engineer,
Divisional Officer,
Corporation of Chennai,
West Mambalam, Chennai.

+1cc to Mr. S.Thiruvengadam, Advocate SR.No. 27127

W.P.No.7518 of 2018

JP (CO)

A.SK(22/04/2019)