

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

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

W.P.No.4755 of 2019

S.C.Agarwal

... Petitioner

Vs

1 The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.

2 The Chairman
Standing Committee-Town Planning
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.

3 S.Narayanan

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 2 to dispose of the statutory appeal dated 1.7.2008 filed by the 3rd respondent before the 2nd respondent and consequently direct the first respondent to demolish and remove the illegal and unauthorised construction put up by the 3rd respondent in the common areas in the plot bearing Block No.P comprising flat Nos.P-60 to 63, Old Door Nos.L225 to 228 and New Nos.44, 46, 48 and 50, 21st Street, Anna Nagar East, Chennai - 102 within a stipulated time.

For Petitioner : Mr.S.Thanka Sivan

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

Mr.Sevugan
for M/s.Rank Associates
for 3rd respondent

ORDER

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

Heard Mr.S.Thanka Sivan, learned counsel for the petitioner; Mr.V.C.Selvasekaran, learned counsel for respondents 1 and 2, and Mr.Sevugan, learned counsel for the third respondent.

2. The case of the petitioner is that there is unauthorized construction put up by the third respondent in the common area in plot bearing Block No.P, comprising Flat Nos.P-60 to 63, Old Door Nos.L225 to 228 and New Nos.44, 46, 48 and 50, 21st Street, Anna Nagar East, Chennai - 600 102. The said unauthorized construction, according to the petitioner, consists of ground floor and first floor. The first floor is occupied by tenants and the Corporation had issued De-occupation notice dated 13.3.2019 to the occupants of the first floor. Being aggrieved by the said notice, the occupants of the first floor preferred an appeal. The prayer of the petitioner is that the second respondent be directed to dispose of the appeal preferred by the third respondent as expeditiously as possible.

3. In view of the fact that the appeal filed by the third respondent is pending, we direct the competent authority to dispose of the appeal as expeditiously as possible.

4. It is the case of the Corporation that as far as the ground floor of the building is concerned, there is violation of the planning permission and hence, they have locked and sealed the ground floor of the building today. The photographs showing that the ground floor of the premises has been locked and sealed have been produced before this Court and the same are taken on record.

In view of the above, no further directions are necessary. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
- 2 The Chairman
Standing Committee-Town Planning
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.

+1cc to M/s.Rank Associates, Advocate sr.63261
+1cc to Mr.S.Thanka Sivan, Advocate sr.63261

W.P.No.4755 of 2019

cp(co)
nr 03/09/2019

सत्यमेव जयते

WEB COPY