

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.5089 of 2019
and W.M.P.No.5804 of 2019

S.Basheer Mohamed ... Petitioner

-vs-

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

2.The Executive Engineer-Zone IX,
Office of the Executive Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai 600 034.

3.K.Mahesh

4.K.Gunasekaran

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent to take further action in pursuant to the notice issued by the 2nd respondent in Ref.Notice No.: ZONE-IX/DN-118/TPENF/057/2019 dated 07.12.2018 to the 3rd and 4th respondents for the property at Old No.12, New No.21, M.M.Garden, Teynampet, Chennai 600 018, in a time bound period.

For Petitioner : Mr.K.Mohanamurali

For Respondents : Dr.C.Ravichandran
Stdg. Counsel for RR 1 & 2

: Mr.A.Saddique Ali for RR 3 & 4

O R D E R

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

Heard Mr.K.Mohanamurali, learned counsel for the petitioner and Dr.C.Ravichandran, learned Standing Counsel, for respondent nos.1 and 2 and Mr.A.Saddique Ali, learned counsel for respondent nos.3 and 4.

2.The petitioner is seeking direction to the second respondent to take further action pursuant to the notice dated 07.12.2018 issued by the second respondent to the third and fourth respondents, in relation to the property at Old No.12, New No.21, M.M.Garden, Teynampet, Chennai 600 018.

3.The learned counsel for the respondent Corporation has tendered the counter affidavit wherein it is stated that after inspecting the site in question, action was taken by issuing a pre-notice dated 07.12.2018 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act. 1971, to the third respondent. By the said notice, approved plan was called for. Thereafter, further action was initiated by issuing locking and sealing and demolition notice dated 26.02.2019 and also de-occupation notice dated 12.04.2019 to the third respondent under the same provisions of the Act. It is further stated in the affidavit that the third and fourth respondents are brothers and are owning the same property.

Thus, it is seen that the authorities have been taking action in relation to the unauthorised construction put up by the third and fourth respondents. Hence, no further orders are necessary at this stage and the writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.No.5804 of 2019 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

sra

To

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

2.The Executive Engineer-Zone IX,
Office of the Executive Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai 600 034.

+1cc to Dr.C.Ravichandran, Advocate SR.No.70158

+1cc to Mr.K.Mohanamurali, Advocate SR.No.70128

W.P.No.5089 of 2019

RSV(CO)
GMY(12/09/2019)



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