

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2019

CORAM

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

W.P.No.6779 of 2019

R.Vijayaraj

.. Petitioner

Vs

1 The Commissioner
Corporation of Chennai
EVR Periyar Road
Chennai - 600 003.

2 The Executive Engineer
Corporation of Chennai
Zone-VIII, Unit -23
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai - 600 030.

3 T.Sasivarnam

4 M.Navaraaj

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the second respondent to implement the Locking and Sealing and Demolition Notice dated 20.8.2018 in his proceedings Notice No.Zone-VIII/027/2018 and demolish the unauthorized construction put up on the common passage at No.19, Old No.10, Jagannathapuram 1st Street, Chetpet, Chennai - 600 031, by the third and fourth respondents.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Dr.C.Ravichandran
for respondents 1 and 2

No appearance
for respondents 3 and 4

ORDER
(Order of the Court was made by M.DURAISWAMY, J.)

The above writ petition has been filed by the petitioner to issue a writ of mandamus directing the second respondent to implement the Locking and Sealing and Demolition Notice dated 20.8.2018 and demolish the unauthorized construction put up by respondents 3 and 4 on the common passage at No.19, Old No.10, Jagannathapuram 1st Street, Chetpet, Chennai - 600 031.

2. The second respondent filed a counter affidavit, wherein it has been stated that both the petitioner as well as the third respondent have put up construction unauthorizedly and, therefore, separate notices dated 20.8.2018 were issued for locking and sealing and demolition under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. Further, the second respondent has stated that in continuation of the said notice, further action has been initiated by issuing De-Occupation Notices dated 20.10.2018 to the petitioner as well as the third respondent under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. Further, it has been stated in the counter affidavit that pursuant to the said notice, the third respondent had stopped the construction activity.

3. The learned counsel appearing for respondents 1 and 2 submitted that the premises of the fourth respondent was inspected by the respondent authorities on 13.3.2019 and it was found that the fourth respondent had also put up unauthorized construction and, hence, a Locking and Sealing and Demolition Notice dated 1.4.2019 was issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 to the fourth respondent.

4. From the averments made in the counter affidavit filed by the second respondent, it is clear that respondents 1 and 2 have initiated action against the petitioner as well as respondents 3 and 4 for the alleged unauthorized construction put up by them.

5. In view of the above, no further orders are required to be passed at this stage and, accordingly, this writ petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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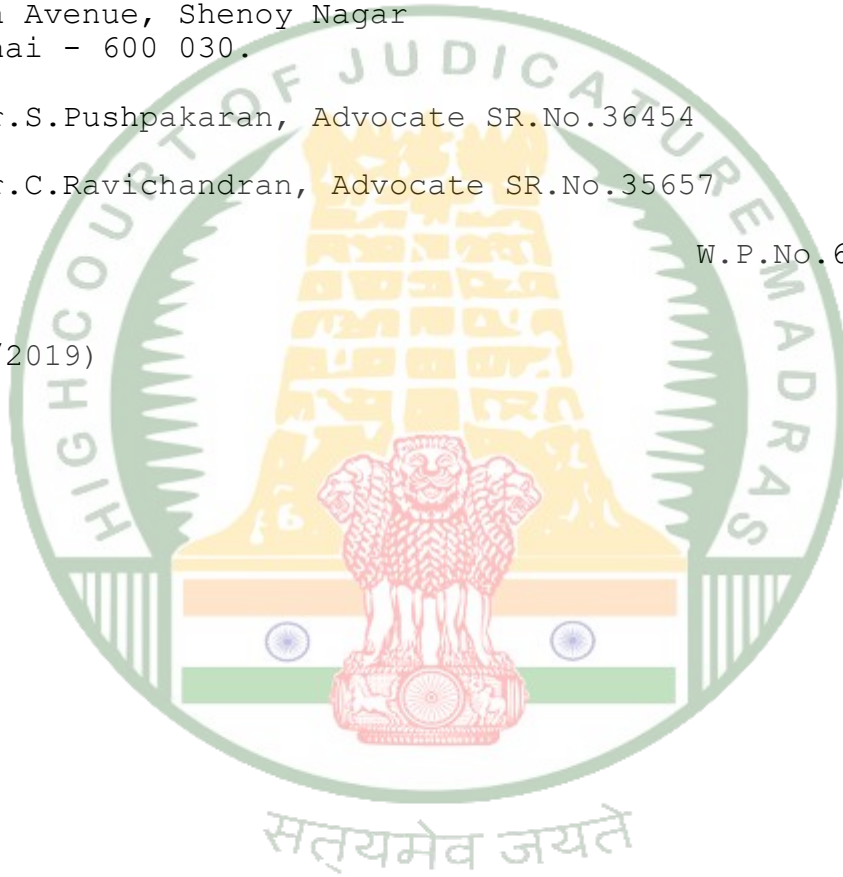
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+1cc to Mr.S.Pushpakaran, Advocate SR.No.36454

+1cc to Dr.C.Ravichandran, Advocate SR.No.35657

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EV(CO)
GMY(03/05/2019)



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