

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.7616 of 2019 and
W.M.P.Nos.8253 and 8254 of 2019

1. Mr.Ayaz Akbar

2.Mrs.A.Saira Parveen

.. Petitioners

v.

1 The Commissioner
Greater Chennai Corporation
Rippon Building , Chennai

2 The Assistant Commissioner
Greater Chennai Corporation
Rippon Building , Chennai

3. The Executive Engineer
Corporation of Chennai
Zone 8, Ward 98
Kilpauk, Chennai - 600 010

4. The Assistant Area Executive Engineer
Corporation of Chennai
Zone 8, Ward 98
Kilpauk, Chennai - 600 010

5. Mr.Ajeeth Kumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 and to appropriate action against the 5th respondent from putting up construction the property No.11, Old No.12, Aspiran Garden, Water Works Avenue, 2nd Street, Kilpauk, Chennai - 600 010 in violation of the Development Control Rules in pursuance to the representation issued by the first petitioner dated 18.02.2019.

For Petitioner : Mr.Zaffarullah Khan

For Respondents : Mr.V.C.Selvasekaran - for R1 to R4

O R D E R

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

Heard Mr.Zaffarullah Khan, learned counsel for the petitioner, and Mr.V.C.Selvasekaran, learned counsel for the respondent Nos. 1 to 4.

2. The prayer of the petitioner is for a direction to be issued to the respondent Nos. 1 to 4 to take appropriate action against the respondent No.5 in relation to the illegal construction put up by the respondent No.5 at property No.11, Old No.12, Aspiran Garden, Water Works Avenue, 2nd Street, Kilpauk, Chennai - 600 010.

3. . The learned counsel for the respondent Nos. 1 to 4 has filed the counter-affidavit wherein it is stated that on receipt of the complaint from the petitioner, the property at No.11, Old No.12, Aspiran Garden, Water Works Avenue, 2nd Street, Kilpauk, Chennai - 600 010 has been inspected by the Assistant Executive Engineer, Unit-23, Zone- VIII and the Assistant Engineer, Division-98, Unit-23, Zone-VIII, Greater Chennai Corporation on 21.02.2019 and after inspecting the site in question, action has been initiated by issuing a Pre-Notice under Section 56 and 57 read with section 85 of the Tamil Nadu Town and Country Planning Act 1971, dated 21.02.2019 to the respondent No.5. Since the petitioner as well as the other co-owners have failed to comply with the above notice, the entire building has been treated as unauthorized one. Hence, further action has been initiated by issuing a Locking and Sealing Notice under section 56 and 57 read with section 85 of the Tamil Nadu Town and Country Planning Act 1971, dated 25.03.2019 to the respondent No.5. It is further submitted that after expiry of the statutory period of the above notice further action will be taken as per the provisions of Tamil Nadu Town and Country Planning Act, 1971.

4. Thus, it is seen that the concerned authority is taking necessary action in relation to the unauthorized construction put up by respondent No.5. Hence, no further orders are necessary at this stage and the writ petition is disposed of.

No costs. consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Commissioner
Greater Chennai Corporation
Rippon Building , Chennai
- 2 The Assistant Commissioner
Greater Chennai Corporation
Rippon Building , Chennai
3. The Executive Engineer
Corporation of Chennai
Zone 8, Ward 98
Kilpauk, Chennai - 600 010
4. The Assistant Area Executive Engineer
Corporation of Chennai
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Kilpauk, Chennai - 600 010

सत्यमेव जयते

W.P. No.7616 of 2019 and
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ev(co)
nr 28/05/2019

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