

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

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

W.P.No.4768 of 2018

1 Prakash Chand Bohra
2 Pushpa Devi Bohra .. Petitioners

Vs

1 The State of Tamil Nadu
rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai - 600 009.

2 Corporation of Chennai
Rippon Buildings
Chennai-600 003
rep. by its Commissioner

3 Chief Metropolitan Development Authority
rep. by its Member Secretary
Thalamuthu Natarajan Buildings
Egmore, Chennai - 600 008.

4 Greater Chennai Corporation
Zonal Office-VIII, 2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai - 600 030
rep. by its Executive Engineer

5 V.Jaganathan

6 V.Yamuna

7 V.Murali

8 TANGEDCO
Rep. by Assistant Executive Engineer
Chetpet
Chennai - 600 031.

9 Chennai Metropolitan Water
Supply & Sewerage Board
rep. by its Managing Director
Pumping Station Road
Chindatripet
Chennai - 600 002.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 4th respondent to demolish the unauthorized constructions put up by respondents 5 to 7 in violation of the planning permission accorded to it by respondents 2 and 3 and in violation of the Stop Work-cum-Lock and Seal Notice issued by the 4th respondent dated 10.07.2017.

For Petitioners : Mr.Aashish Jain Lunia
for M/s.Surana and Surana

For Respondents : Mr.S.N.Parthasarathi
Government Advocate
for 1st respondent

Mr.Soundararajan
for respondents 2 and 4

Mr.P.S.Ganesh
for 3rd respondent

Ms.C.Sangamithirai
for 7th respondent

Mr.S.K.Raameshuwar
for 8th respondent

Mr.K.K.Ramesh
for 9th respondent
5th respondent
(Name printed in list)
No appearance

Tapal returned
reg 6th respondent

ORDER

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

Heard Mr.Aashish Jain Lunia, learned counsel for the petitioners; Mr.S.N.Parthasarathi, learned Government Advocate for the first respondent; Mr.Soundararajan, learned counsel for respondents 2 and 4; Mr.P.S.Ganesh, learned counsel for the

third respondent; Ms.C.Sangamithirai, learned counsel for the seventh respondent; Mr.S.K.Raameshuwar, learned counsel for the eighth respondent and Mr.K.K.Ramesh, learned counsel for the ninth respondent.

2. According to the petitioners, respondents 5 to 7 have put up construction in violation of the planning permission accorded to them by respondents 2 and 3. Hence, the petitioners are seeking directions to the fourth respondent to demolish the said unauthorized construction put up by respondents 5 to 7.

3. The learned counsel for respondents 2 and 4, i.e., the Chennai Corporation, has filed a status report, wherein it is stated that a notice calling for approved plan was issued to respondents 5 to 7 on 10.6.2017 and thereupon, respondents 5 to 7 submitted the approved plan. Thereafter, the properties were inspected on 7.7.2017 and it was found that there were set-back violations. Therefore, Locking and Sealing notices were issued on 10.7.2017. Thereafter, as respondents 5 to 7 did not comply with the notices and had not carried out any rectifications, De-occupation notices were issued to respondents 5 to 7 on 5.3.2018. It is stated that respondents 5 to 7 have filed appeals under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 challenging the De-occupation notices issued by the Corporation.

4. Thus, it is seen that the Corporation has been taking steps in relation to the unauthorized constructions.

In view of the above, no further directions are necessary, except to direct the Appellate Authority, i.e., the first respondent, to dispose of the appeal as expeditiously as possible. No costs. Consequently, W.M.P.Nos.5895 to 5897 of 2018 are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1 The Secretary to Government
State of Tamil Nadu
Housing and Urban Development Department
Secretariat
Chennai - 600 009.

- 2 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003
- 3 The Member Secretary
Chief Metropolitan Development Authority
Thalamuthu Natarajan Buildings
Egmore, Chennai - 600 008.
- 4 The Executive Engineer
Greater Chennai Corporation
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- 5 The Assistant Executive Engineer
TANGEDCO, Chetpet
Chennai - 600 031.
- 6 The Managing Director
Chennai Metropolitan Water
Supply & Sewerage Board
Pumping Station Road
Chindatripet
Chennai - 600 002.

+1cc to M/s.K.Soundararajan, Advocate, S.R.No.75949
+1cc to M/s.Surana and Surana, Advocate, S.R.No.74776
+1cc to Ms.C.Sangamithirai, Advocate, S.R.No.74388
+1cc to the Government Pleader, S.R.No.75521

W.P.No.4768 of 2018

CNR(CO)
CS/01/10/2019