

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.23067 of 2016
and W.M.P.No.7149 of 2017

S.Thiruvengadam Petitioner

-vs-

- 1.Chennai Metropolitan Development Authority, Rep. By its Member Secretary, Thalamuthu-Natarajan Building, No.1, Gandhi Irwin Road, Egmore, Chennai 600 008.
- 2.Corporation of Chennai, Rep. By its Commissioner, Ripon Buildings, Chennai 600 003.
- 3.Executive Engineer, Corporation of Chennai, Zone XIII, Adyar, Chennai 600 020.
- 4.Assistant Executive Engineer, Division 176, Unit 38, Zone-13, Corporation of Chennai, Adyar, Chennai 600 020.
- 5.Hari Narayana Builders, Adyar, Chennai-20.
- 6.Smart Kitchen, Adyar, Chennai-20.
- 7.Krossark Consulting Service Pvt. Ltd.
- 8.Greens Technology
- 9.S1-System's
- 10.VR4U Academy
- 11.Citizen Consumer and Civil Action Group
- 12.Bhoomi and Builders
- 13.Zoom Rx.
- 14.Dura soft
- 15.Adyar Call Taxi
- 16.Minimelt'D'

17.Old is Gold Store
18.Ashas School Visual Arts
19.Virukshaa Properties Pvt. Ltd.
20.Elok Redefining Living Experience
21.Shankar's IAS Academy
22.Sri Vari Agency
23.Umashankar
24.Grauda Trading Co.Pvt.Ltd.
25.Adyar Co-op. Housing Society Ltd.,
Respondents 7 to 25 all at Adyar,
Chennai-20.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to initiate action against respondents 5 to 21 and other violators if any of Development Regulations No.14 of Second Master Plan for Chennai Metropolitan Area, 2026 & Rule 7 of the Development Control Rules made under the Tamil Nadu Town and Country Planning Act, 1971, in Padmanabha Nagar, Adyar, Chennai 600 020 and complete the same within a time frame fixed by this Court.

For Petitioner : Mr.Mohamed Fayaz Ali
For Respondents : Mr.P.S.Ganesh
Stdg. Counsel for R-1
: Mr.R.Arunmozhi
Stdg. Counsel for RR 2 to 4
: Mr.G.Senthil Kumar for R-22
: Ms.S.G.Alli Chandra
for RR 12, 16 and 21
: No appearance for RR 6 to 8, 11,
13 to 16, 19, 20, 24, 25
: Not ready in notice reg. RR 5, 9,
10, 13, 14, 17, 18 and 20

सत्यमेव जयते
O R D E R

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

Heard Mr.Mohamed Fayaz Ali, learned counsel for the petitioner, Mr.P.S.Ganesh, learned Standing Counsel for respondent no.1, Mr.R.Arunmozhi, learned Standing Counsel, for respondent nos.2 to 4, Ms.S.G.Alli Chandra, learned counsel for respondent nos.12, 16 and 21 and Mr.G.Senthil Kumar, learned counsel appearing for respondent no.22.

2.The case of the petitioner is that respondent nos.5 to 21 have put up unauthorised construction in violation of the provisions of Tamil Nadu Town and Country Planning Act, 1971 and also the Development Control Rules, in Padmanabha Nagar, Adyar, Chennai 600 020. Hence, the petitioner prayed that action be taken against the said respondents.

3.The learned counsel for the respondents Corporation stated that in relation to the said unauthorised construction, they have issued locking and sealing notice dated 09.11.2016 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 and thereafter, de-occupation notice dated 28.12.2016 has also been issued. After the respondents 5 to 21 received the said notices, they have preferred appeals, which are pending before the Government.

4.Thus, it is seen that the authorities have been taking action against the unauthorised construction put up by respondent nos.5 to 21. Hence, no further orders are necessary at this stage.

The writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.No.7149 of 2017 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra
To

1.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu-Natarajan
Building, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

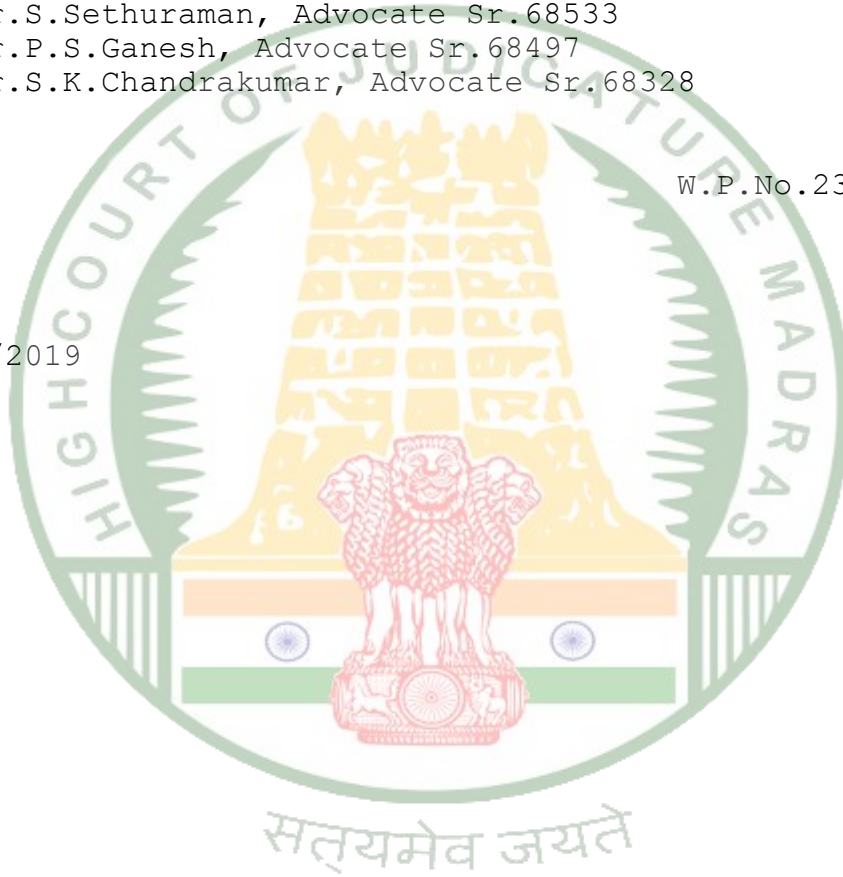
3.The Executive Engineer,
Corporation of Chennai,
Zone XIII, Adyar, Chennai 600 020.

4.The Assistant Executive Engineer,
Division 176, Unit 38, Zone-13,
Corporation of Chennai, Adyar,
Chennai 600 020.

+1cc to Mr.S.Sethuraman, Advocate Sr.68533
+1cc to Mr.P.S.Ganesh, Advocate Sr.68497
+1cc to Mr.S.K.Chandrakumar, Advocate Sr.68328

W.P.No.23067 of 2016

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