

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.11233 OF 2019

1. R.John Samuel
2. A.V.Srinivasan
3. G.R.Varadharajan
4. M.Chandrasekar

... Petitioners

Vs

1. Member Secretary,
Chennai Metropolitan Development Authority
'Thalamuthu Natarajan Maaligai'
No.1, Gandhi Irwin Road,
Egmore,
Chennai 600 008.
2. The Commissioner,
Greater Corporation of Chennai,
Ripon Building,
Chennai 600 003.
3. The Zonal Officer,
Zone IX - (Old Zone VII)
Corporation of Chennai,
No.4, 4th Cross street,
Lake View Road, Nungambakkam,
Chennai 600 034.

4. B.Saranya
5. K.M.S.Ameena Beevi
6. R.Chandrasekar
7. K.P.Leela
8. N.Kumaresan
9. T.Chandra

10. Roseline Fernando

... Respondents

R4 to R10 impleaded as per order dated 08.07.2019 made in

WMP No.19146 of 2019

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st, 2nd and third respondents to consider the petitioner's representation dated 20.12.2018.

For Petitioner : Mr.M.R.Dhalapathy Vignesh Kumar

For Respondents: Mr.P.S.Ganesh,
Standing Counsel for R1

Mr.V.C.Selvasekaran
Standing Counsel for R2 & R3

Mr.G.Babu Rajendran for R4 to R10

O R D E R

[Order of Court was made by R.SUBBIAH,J]

The petitioner has filed the Writ Petition praying for issuance of a Writ of Mandamus directing the 1st, 2nd and 3rd respondents to consider the petitioner's representation dated 20.12.2018.

2. The petitioners are the owners of the flats bearing Door No.11/1, 11/2, 11/3 and 11/4, each measuring around 800 sq.ft situated at Noor Veerasamy Street, Nungambakkam, Chennai 34. There are four dwelling homes in the said property. The property has to be reached through a pathway. Adjacent to the pathway, there is an apartment and the same has been constructed without any planning approval and the pathway was encroached, which belongs to the petitioners. Petitioners have filed a suit and got an order of injunction restraining them from using the pathway. Thereafter, the petitioners have approached the respondents to remove the unauthorised construction. Since no action has been taken, they gave a representation dated 20.12.2018 and the same is pending, hence the present writ petition.

3. Mr.V.C.Selvasekaran, learned counsel appearing for the respondents 2 and 3 has filed a counter stating that on scrutinizing the plans of the buildings at Nos.7/4B and 4A, Noor Veerasamy Street, Nungambakkam, Chennai, deviations and unauthorised construction were noted and action is taken by issuing a Locking & Sealing and Demolition Notice dated 28.11.2019 under Sections 56 and 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971 to the owners/occupiers of the buildings at No.7/4B and No.4A, Noor Veerasamy Street, Nungambakkam, Chennai. In the meantime, the occupiers of the buildings at No.7/4B and No.4A, Noor Veerasamy

Street, Nungambakkam, Chennai, have given a complaint against the petitioners herein stating that the petitioners have constructed their building unauthorisedly and also encroached the common passage and requested to take action against the unauthorised construction and the encroachment made by the petitioners in the common passage. On receipt of the above complaint, the petitioners' building at Door No.11, Noor Veerasamy Street, Nungambakkam, Chennai 600 034 was inspected by the Assistant Executive Engineer, Unit - 26, Zone - IX and the Assistant Engineer, Division - 113, Unit - 26, Zone - IX, Greater Chennai Corporation on 25.11.2019 and action has been taken by issuing a Notice Calling for Approved plan/stop work notice dated 28.11.2019 to the petitioners herein and the petitioners have received the same on 30.11.2019. He further submitted that action against the buildings in question will be taken after the expiry of the statutory period of the notices issued to them as per the provisions of Tamil Nadu Town and Country Planning Act, 1971.

4. In view of the above submissions made by the learned counsel for the respondents 2 and 3 there is no need to give a specific direction to the respondents. Recording the same, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (DR CJ conf)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Member Secretary,
Chennai Metropolitan Development Authority
'Thalamuthu Natarajan Maaligai'
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Egmore, Chennai 600 008.
2. The Commissioner,
Greater Corporation of Chennai,
Ripon Building,
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3. The Zonal Officer,
Zone IX - (Old Zone VII)
Corporation of Chennai,
No.4, 4th Cross street,
Lake View Road, Nungambakkam,
Chennai 600 034.

+1cc to M/s.G.Babu Rajendran, Advocate SR.103721
+1cc to M/s.P.S.Ganesh, Advocate SR.102776

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RP (CO)
CB (30/01/2020)



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