

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.11996 of 2019

S.Basheer Mohamed

.. Petitioner

-vs-

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.

2.The Executive Engineer - Zone IX,
Office of the Executive Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai-600 034.

3.S.Sabapathy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st and 2nd respondents to take further action in pursuant to the notice issued by the 2nd respondent in Ref. Notice No.Zone-IX/Dn-118/TPENF/059/2019 dated 15.02.2019 to the 3rd respondent for the property at Door No.7, Poes Road, M.M.Garden, Teynampet, Chennai-600 018 in a time bound period.

For Petitioner

: Ms.S.Bhuvana

For Respondents

: Dr.C.Ravichandran
for respondent Nos.1 and 2

No Appearance
for respondent No.3

ORDER

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

Heard Ms.S.Bhuvana, learned counsel for the petitioner and Dr.C.Ravichandran, learned counsel for respondent Nos.1 and 2.

2. According to the petitioner, respondent No.3 has put up a building, which is unauthorized. The said building is put up at Door No.7, Poes Road, M.M. Garden, Teynampet, Chennai-600 018. Being aggrieved by the said unauthorized building, the petitioner gave a complaint against respondent No.3. Pursuant to the complaint, the building of respondent No.3 was jointly inspected by the Assistant Executive Engineer, Unit-24, Zone-IX and the Assistant Engineer, Division-118, Unit-24, Zone-IX and thereafter, a notice dated 15.02.2019 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 was issued to respondent No.3 directing respondent No.3 to furnish the approved plan within 15 days from the date of receipt of the said notice. The petitioner is praying that further action be taken pursuant to the notice dated 15.02.2019 issued to respondent No.3.

3. The learned counsel for respondent Nos.1 and 2 has tendered counter-affidavit of respondent No.2, wherein it is stated that since respondent No.3 has failed to comply with the notice dated 15.02.2019, a fresh notice dated 14.06.2019 was issued to respondent No.3 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 directing respondent No.3 to furnish the approved plan within 15 days from the date of receipt of the said notice. Since respondent No.3 has failed to comply with the notices, the building of respondent No.3 was treated as unauthorized one and further action was taken against the said building by issuing locking and sealing and demolition notice dated 15.07.2019 under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971.

4. The learned counsel for respondent Nos.1 and 2 stated that after expiry of 15 days period mentioned in the notice dated 15.07.2019, they will take further action against the building put up by respondent No.3 by issuing de-occupation notice.

5. Thus, it is seen that the authorities are taking action in relation to the unauthorized building put up by respondent No.3. Hence, no further orders are necessary at this stage. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.
- 2.The Executive Engineer - Zone IX,
Office of the Executive Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai-600 034.

+lcc to M/s.K.Mohanamurali, Advocate sr.66784
+lcc to Dr.C.Ravichandran, Advocate sr.66692

W.P.No.11996 of 2019

mr(co)
nr 29/08/2019

सत्यमेव जयते

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