

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAIWAMY

W.P. No.12466 of 2018
and W.M.P.No.14605 of 2018

S.Sabapathy

.. Petitioner

-vs-

- 1.The Government of Tamil Nadu,
Rep. by its Additional Secretary
(Technical), Housing and Urban
Development Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai 600 003.
- 3.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Maligai, Egmore, Chennai 600 008.
- 4.The Executive Engineer - Zone IX,
Officer of the Executive Engineer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai 600 034.
- 5.The Inspector of Police,
E-3, Teynampet Police Station,
Teynampet, Chennai 600 086.

6.S.Basheer Mohammed

7.B.Sheik Dawood

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 4 to take action against the unauthorised construction being raised by the respondents 6 and 7 consisting ground +1 floor at Door No.32, Plot No.10, M.M.Garden, Varadharajapuram, Teynampet, Chennai 600 018, in accordance to the provisions of Tamil Nadu Town and Country Planning Act, 1971, based on the report dated 06.03.2018 of the 4th respondent, sent to the 1st respondent.

For Petitioner	:	Mr.R.Sriram
For Respondents	:	Mr.V.Jayaprakash Narayanan
	:	Govt. Pleader (i/c.) for RR 1 & 5
	:	Mr.Anandarangan
	:	Stdg. Counsel for RR 2 & 4
	:	Mr.S.Thiruvengadam
	:	Stdg. Counsel for R-3
	:	Mr.K.Mohanamurali for RR 6 & 7

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The above writ petition has been filed by the petitioner to issue a writ of mandamus directing the respondents 1 to 4 to take action against unauthorised construction being raised by respondents 6 and 7 of ground plus one floor at Door No.32, Plot No.10, M.M.Garden, Varadharajapuram, Teynampet, Chennai 600 018, in accordance with the provisions of the Tamil Nadu Town and Country Planning Act, 1971, based on the report dated 06.03.2018 of the fourth respondent sent to the third respondent.

2.It is the case of the petitioner that the sixth and seventh respondents have put up unauthorised construction in the property in dispute and therefore, the fourth respondent initiated proceedings invoking the provisions of the Tamil Nadu Town and Country Planning Act, 1971. As against the rejection of the planning permission, the sixth respondent has preferred an appeal under Section 79 of the said Act before the first respondent.

3.The learned counsel appearing for the sixth and seventh respondents submitted that the appeal preferred by the sixth respondent was disposed of by the first respondent by order dated 04.04.2019 by remitting the matter back to the Chennai Metropolitan Development Authority (CMDA) for taking decision on the categorisation of the land.

4.The learned counsel appearing on either side submitted that since the appeal has been disposed of by remitting the matter to the CMDA, it would be suffice to record the same and close the writ petition. It is needless to state that the CMDA will decide the matter on merits and in accordance with law as expeditiously as possible.

With these observations, the writ petition is closed. No costs. Consequently, W.M.P.No.14605 of 2018 is also closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

sra

To

1.The Additional Secretary
(Technical) to Govt. of Tamil Nadu,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009.

2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai 600 003.

3.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Maligai, Egmore, Chennai 600 008.

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

5.The Inspector of Police,
E-3, Teynampet Police Station,
Teynampet, Chennai 600 086.

+1cc to Mr..R.Sriram, Advocate SR.No.70518

+1cc to Mr.S.Thiruvengadam, Advocate SR.No.70498

+1cc to Mr.K.Mohanamurali, Advocate SR.No.70127

+1cc to Government Pleader SR.No.70871

W.P.No.12466 of 2018

RSV(CO)
GMY(12/09/2019)