

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM :

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.11940 of 2019

P.Kingson

.. Petitioner

-vs-

1. The State of Tamil Nadu,
rep. by its Secretary,
Municipal Administration & Water Supply Department,
Secretariat,
Fort St. George, Chennai-9.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-3.
4. The Zonal Officer,
Zone-V,
Greater Chennai Corporation,
No.9, Chidambaram 7th Street,
Basin Bridge, Chennai-1.
5. The Assistant Executive Engineer,
AE Square, Division-61,
Unit-14, No.23, Drivers Street,
Pudupet, Chennai-2.
6. The Assistant Engineer,
Division-61, Unit-14,
No.23, Drivers Street,
Pudupet, Chennai-2.

7. The Managing Director,
C.M.W.S. & S.B.,
No.1, Pumping Station Road,
Chintadripet, Chennai-2.
8. The Chairman,
T.N.E.B. Ltd.,
N.P.K.R.R. Maaligai,
10th Floor, No.802, Anna Salai,
Chennai-600 002.
9. The Director (Distribution North),
T.N.E.B. Ltd.,
N.P.K.R.R. Maaligai,
10th Floor, No.802, Anna Salai,
Chennai-600 002.

10.K.S.Khaja Mohidheen

11.K.S.Rasheedha Banu

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent authorities 1-7 to remove the illegal/unauthorised construction and encroachment made by the tenth and eleventh respondents Mr.Khaja Mohidheen and Mrs.K.S.Rasheedha Banu in Door Nos.50 & 48/2, Langs Garden Road, Pudupet, Anna Salai, Chennai-2.

For Petitioner : Mr.P.T.Perumal

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent No.1

Mr.P.S.Ganesh
for respondent No.2

Mr.V.C.Selvasekaran
for respondent Nos.3 to 6

Mr.G.Janakiraman
for respondent No.7

Mr.T.Velumani
for respondent No.10 and 11

No Appearance
for respondent Nos.8 and 9

ORDER

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

Heard Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent No.1; Mr.P.S.Ganesh, learned counsel for respondent No.2; Mr.V.C.Selvasekaran, learned counsel for respondent Nos.3 to 6; Mr.G.Janakiraman, learned counsel for respondent No.7 and Mr.T.Velumani, learned counsel for respondent Nos.10 and 11.

2. The petitioner is seeking direction to the respondent authorities to remove the illegal/unauthorised construction and the encroachment made by respondent Nos.10 and 11 in Door Nos.50 and 48/2, Langs Garden Road, Pudupet, Anna Salai, Chennai-2.

3. The learned counsel for respondent Nos.3 to 6 has tendered the counter-affidavit of respondent No.4 i.e., the Zonal Officer, Zone-5, Greater Chennai Corporation, wherein it is stated that as far as Door No.50 is concerned, action has been taken by issuing a notice calling for the approved plan under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. As there was no compliance with the notice calling for the approved plan, further action has been taken by issuing a locking and sealing notice under Sections 56 and 57 read with Section 85 of the said Act and thereafter, the building was locked and sealed with the help of police on 03.06.2019. Thus, it is seen that as far as Door No.50 is concerned, action has been taken by the respondent authorities.

4. As far as Door No.48/2 is concerned, it is stated in the counter-affidavit of respondent No.4 that no new construction is found at site and only ventilation has been provided in the existing building and the said building is approximately 15 years old. Thus, as far as Door No.48/2 is concerned, in view of the averments made in the counter-affidavit of respondent No.4, no further orders are necessary.

With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.12166 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Municipal Administration & Water Supply Department,
Secretariat,
Fort St. George, Chennai-9.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.
3. The Commissioner,
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Chennai-600 002.

+1 cc to Mr.P.S.Ganesh, Advocate, S.R.No.62301

+1 cc to Mr.T.Velumani, Advocate, S.R.No.62254

+1 cc to Mr.P.T.Perumal, Advocate, S.R.No.62262

+1 cc to the Government Pleader, S.R.No.62531

W.P.No.11940 of 2019

(CO)
SSM(13/08/2019)



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