

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2019

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

&

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

W.P.No.34443 of 2019 &
WMP.No.35119 / 2019

S.P.Surendranath Karthik .. Petitioner

-vs-

1. Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2. The Commissioner of Police (Traffic)
Commissioner Office Building,
EVK Sampath Road,
Veppery,
Chennai 600 007.

3. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai 600 032.

4. DGP of Fire and Rescue Services,
Fire and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.

5. Sri Kauvery Medical Care (India) Limited,
CIN No:U85110TN1997PLC039491,
represented by its Managing Director,
No.199, Luz Church Road, Mylapore,
Tamilnadu, Chennai 600 004

.. Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 4 to lock and seal the premises in accordance with law for operating the hospital at No.199, Luz Church Road, Tamil Nadu, Chennai 600 017 without any building plan approval and the petitioner begs that the same be done at the earliest possible instant.

For Petitioner : M/s.KNS Law Chambers

For Respondents : Mr.A.N.Thambidurai,
Spl. Govt.Pleader for R2 and R4

Mr. R.Bharanidharan for R5

O R D E R

The Writ Petition is styled as a Public Interest Litigation, wherein, the writ petitioner, while be a resident of Ayyappa Nagar, Madipakkam, Chennai-91, would state among other things that when he visited Kaveri Hospital, at Door No.199, Luz Church Road, Mylapore, Chennai, he found that there is no space for parking and entry and exit to the hospital is through different routes and it is not in seamless manner.

2. The petitioner having developed a suspicion that the superstructure itself, came to be constructed unauthorizedly, sought information by invoking the provisions of Right to Information Act and the first respondent, vide communication dated 15.4.2019, has informed that no planning permission was issued by them for the property at No.199, Luz Church Road, Mylapore, Chennai comprised in T.S.No.1649, Mylapore Village, Chennai. and it was also followed by one another communication dated 22.5.2019.

3. The petitioner in this regard, has submitted a representation dated 12.8.2019 to the Enforcement Cell of the 1st respondent, to take proper action against illegal accommodation by the 5th respondent in the said premises at D.No.199, Luz Church Road, Mylapore, Chennai comprised in T.S.No.1649, Mylapore Village, and despite receipt and acknowledgment of the same, as no response is forthcoming, the petitioner is constrained to approach this court by filing this writ petition styled as a Public Interest Litigation.

4. When the matter is listed today for admission, Mr.Thiruvengadam, learned Standing Counsel accepts notice on behalf of first respondent. Mr.R.Bharanidharan accepts notice on behalf of the 5th respondent. Mr.A.N.Thambidurai, learned Special Govt. Pleader accepted notice on behalf respondents 2 and 4 and the matter was passed over and called in the afternoon.

5. Learned Standing counsel appearing for the first respondent would submit that the 5th respondent hospital is located in R.S.No.1641, 1642 and 1642/3, Mylapore Village, Block No.34 at Mylapore Village and the building plan was also approved and with regard to the deviation in the formation of basement construction, they sought for regularisation. It was also approved vide G.O.Ms.No.18 of the Housing and Urban

Development Department on 8.2.2016 and except that, there is no floor violation.

6. Learned Standing counsel appearing for the 5th respondent would submit, there is no floor violation and after the construction of basement/car parking, regularisation was sought and it was also granted by the Government in GO.18 dated 8.12.2016 and further the present writ petition styled as Public Interest Litigation is filed by the petitioner with an oblique and malafide motive and prays for dismissal of the same.

7. This Court has considered the rival submissions and perused the materials placed before it.

8. The filing of the Writ Petition would have been avoided when the first respondent would have promptly dispose of the representation dated 12.8.2019 submitted by the petitioner.

9. Be that as it may. In the light of the stand taken by the 1st respondent, the apprehension and later the stand of the petitioner taken in the writ petition, appears to be unfounded. The first respondent is directed to consider the representation of the petitioner dated 12.08.2019 in accordance with law in the light of the stand taken by them in this writ petition and send a communication to him in this regard within a period of two weeks from the date of receipt of a copy of this order.

10. The writ petition is dismissed subject to above observation. Consequently, connected WMP.No.35119/2019 is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

msr

To

1. Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarajan Maaligai,
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Egmore, Chennai 600 008.

2. The Commissioner of Police (Traffic)
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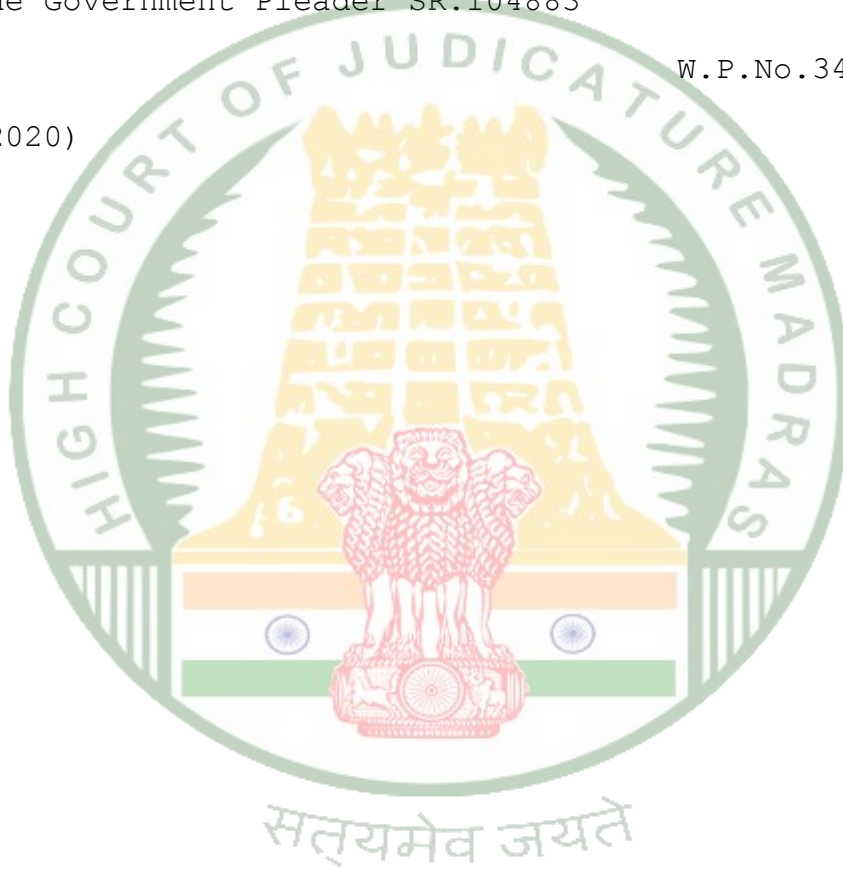
3. The Chairman,
Tamil Nadu Pollution Control Board,
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4. DGP of Fire and Rescue Services,
Fire and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.

+lcc to Mr.S.Thiruvengadam, Advocate SR.104846
+lcc to M/s.KNS Law Chamber, SR.105124
+lcc to the Government Pleader SR.104883

W.P.No.34443 of 2019

SSD(CO)
CB(19/02/2020)



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