



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM

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THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.25700 of 2017

K.B.Ashok Baradwaj

.. Petitioner

Vs

- 1 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.
- 2 The Commissioner
Corporation of Chennai
Ripon Buildings
Park Town, Chennai - 600 003.
- 3 The Joint Commissioner
Corporation of Chennai
Zone South
No.118, Dr.Muthulakshmi Salai
Adyar, Chennai-20.
- 4 The Assistant Commissioner
Corporation of Chennai
Zone South
No.118, Dr.Muthulakshmi Salai
Adyar, Chennai-20.
- 5 The Executive Engineer
Corporation of Chennai
Zone South
No.118, Dr.Muthulakshmi Salai
Adyar, Chennai-20.
- 6 The Junior Engineer
Corporation of Chennai
Zone South
No.118, Dr.Muthulakshmi Salai
Adyar, Chennai-20.



7 K.Kotilingam

8 VJS Associates
Builders & Promoters
29/10, Arunachalam Main Road
Adyar, Chennai - 600 020.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the 2nd respondent in respect of impugned sanctioned plan dated 28.8.2014 and quash the same as illegal and consequentially direct the 8th Respondent to demolish the existing construction put up pursuant to the impugned sanctioned plan dated 28.8.2014 and also award exemplary costs.

For Petitioner : Mr.T.V.Sekar

For Respondents : Mr.P.S.Ganesh
for 1st respondent

Mr.V.C.Selvasekaran
for respondents 2 to 6

Mr.G.Sivakumar
for 7th respondent

Tapal returned
reg. 8th respondent

ORDER

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

Heard Mr.T.V.Sekar, learned counsel for the petitioner; Mr.P.S.Ganesh, learned counsel for the first respondent; Mr.V.C.Selvasekaran, learned counsel for respondents 2 to 6 and Mr.G.Sivakumar, learned counsel for the seventh respondent.

2. The case of the petitioner is that respondents 7 and 8 have put up an illegal structure which consists of a building at New No.99, Kamaraj Avenue 2nd Street, Adyar, Chennai - 600 020, Division No.175, Zone-13. The prayer of the petitioner is that the said structure be demolished.

3. The learned counsel for the respondent Corporation has tendered affidavit of the Zonal Officer, wherein it is stated that they have issued notice dated 24.3.2017 under Sections 56 and 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971 to respondents 7 and 8 in relation to the said



structure. Thereafter, they have also issued a de-occupation notice dated 7.12.2018 in relation to the said structure. Being aggrieved by the de-occupation notice, the seventh respondent has preferred an appeal under Section 80A of the Act and the said appeal is pending consideration before the authority concerned.

4. Thus, it is seen that the authorities are taking action in relation to the alleged unauthorized structure. Therefore, at this stage, no further directions are necessary.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.27112 and 27113 of 2017 are closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To:

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6 The Junior Engineer
Corporation of Chennai
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No.118, Dr.Muthulakshmi Salai
Adyar, Chennai-20.

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+1 CC to Mr.T.V.Sekar, Advocate sr 57424.

W.P.No.25700 of 2017

JP(CO)
SP(02/08/2019)