

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.27910 of 2017 and
W.M.P.Nos.29936 & 29937 of 2017

C.Vijay

.. Petitioner

Vs.

- 1.The Member Secretary,
Chennai Metropolitan Development,
Thalamuthu Nadarajan Building,
Egmore,
Chennai - 600 008.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
- 3.The Chairman & Secretary,
Chennai Metro Water and Sewerage Board,
Mount Road,
Chennai - 600 002.
- 4.The Chairman & Managing Director,
TANGEDCO, No.144, Anna Salai,
Chennai - 600 002.
- 5.The Assistant Engineer (Construction),
Corporation of Chennai,
Zone-V, Division - 54,
Wall Tax Road,
Chennai - 600 079.
- 6.The Assistant Engineer (Construction),
Corporation of Chennai,
Zone-V, Division - 55,
Seven Wells Street,
Chennai - 600 001.

WEB COPY

7. The Assistant Engineer (Construction),
Corporation of Chennai,
Zone - V, Division - 56,
Ebrahim Sahib Road, Broadway,
Chennai - 600 001.
8. The Assistant Engineer (Construction),
Corporation of Chennai,
Zone - V, Division - 57,
Anna Pillai Street, Sowcarpet,
Chennai - 600 079.
9. The Assistant Engineer (Depot),
Chennai Metro Water and Sewerage Board,
Zone - V, Division - 54,
Amman Koil Street, 1st Lane,
Chennai - 600 001.
10. The Assistant Engineer (Depot),
Chennai Metro Water and Sewerage Board,
Zone - V, Division - 55,
Seven Wells Street,
Chennai - 600 001.
11. The Assistant Engineer (Depot),
Chennai Metro Water and Sewerage Board,
Zone - V, Division - 56,
Geils Street, Mannady,
Chennai - 600 001.
12. The Assistant Engineer (Depot),
Chennai Metro Water and Sewerage Board,
Zone - V, Division - 57,
Govindappa Naicken Street,
Chennai - 600 001.
13. The Assistant Engineer,
TANGEDCO,
Zone - V, Division - 54,
Water Basin Works Street,
Sowcarpet,
Chennai - 600 001.
14. The Assistant Engineer,
TANGEDCO,
Zone - V, Division - 55,
Malayappan Street,
Seven Wells,
Chennai - 600 001.

15.The Assistant Engineer,
TANGEDCO,
Zone - V, Division - 56,
Thambu Chetty Street,
Chennai - 600 001.

16.The Assistant Engineer,
TANGEDCO,
Zone - V, Division - 57,
Malayappan Street,
Seven Wells,
Chennai - 600 001.

17.Pushpakar

18.Mohamed Ebrahim

19.Mahesh

20.Ashok Irani (Deepak Traders)

21.Vinoth

22.P.Mohamed Saleem

23.Kanthilalo

24.Srinivasalu

25.Vinoth Jee

26.M.N.Jakriya

27.Janarthanan

28.Riyaz

29.Ramesh

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 4 to take appropriate action against the respondents 5 to 8 in respect of permitting the illegal construction to take place in violation of this Court's order dated 07.08.2014 and sanctioned plan and giving illegal water and sewerage connection for illegal building sanctioned by the respondents 9 to 12 and giving illegal electricity connection for illegal buildings by the respondents 13 to 16 and to monitor the said implementation by this Court.

For Petitioner : Mr.D.I.Nathan

For Respondents: Mr.KarthiRajan (R1)

Mr.K.Soundararajan (R2, R5 to R8)

Mr.N.Ramesh (R3, R9 to R12)

Mr.P.R.Dilip Kumar (R4, R13 to R16)

R17, R20, R21, R23 to R25 - no appearance

R18, R19, R22, R26 to R29 - not ready in notice

O R D E R

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

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus directing the

respondents 1 to 4 to take appropriate action against the respondents 5 to 8 in respect of permitting illegal construction to take place in violation of this Court's order dated 07.08.2014 and sanctioned plan and giving illegal water and sewerage connection for illegal building sanctioned by the respondents 9 to 12 and giving illegal electricity connection for illegal buildings by the respondents 13 to 16 and to monitor the said implementation by this Court.

2.It is the case of the petitioner that the respondents 17 to 29 have put up illegal construction and therefore, necessary action should be taken against them.

3.The 2nd respondent - Corporation filed a report dated 01.03.2019 wherein they have given a table showing the action taken on the status of the building pointed out by the petitioner.

4.On a perusal of the same, it could be seen that the authorities have taken action by calling for approved plan, issuing stop work notice, locking and sealing notice, de-occupation notice and the respondents have filed appeals before the Appellate Authority.

5.Since the official respondents have already initiated action against the private respondents viz., the respondents 17 to 29 and that the respondents have filed appeals before the Appellate Authority, we are of the view that no further direction need be issued to the official respondents, except giving a direction to the Appellate Authority to dispose of the appeals filed by the respondents 17 to 29 within a time frame.

Accordingly, we direct the Appellate Authority to dispose of the appeals preferred by the respondents 17 to 29 within a period of twelve (12) weeks from the date of receipt of a copy of this order. If no appeal is filed by any of the respondents 17 to 29, it is open to the authorities to take appropriate action in accordance with law.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Thambu Chetty Street,
Chennai - 600 001.
- 16.The Assistant Engineer,
TANGEDCO,
Zone - V, Division - 57,
Malayappan Street,
Seven Wells, Chennai - 600 001.

+1cc to Mr.P.R.Dilip Kumar, Advocate sr.20309
+1cc to Mr.N.Ramesh, Advocate sr.20375
+1cc to Mr.D.I.Nathan, Advocate sr.20111
+1cc to Mr.Karthik Rajan, Advocate sr.20191
+1cc to Mr.K.Soundarajan, Advocate sr.20419
+4cc to Mr.D.I.Nathan, Advocate sr.no.20056
+1cc to Mr.P.Ramanathan, Advocate sr.no.19730

W.P. No.27910 of 2017 and
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nr 21/03/2019