

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.27928 of 2017

A.Shakila Banu

.. Petitioner

Vs.

1. The Assistant Engineer,
Greater Chennai Corporation,
Ward No.118, Zone No.9,
Gopalapuram,
Chennai-600 086.
2. The Executive Engineer,
Greater Chennai Corporation,
Zone No.9, No.1, Lake Area,
Nungambakkam,
Chennai-600 034.
3. Chennai Metropolitan Development Authority,
Rep. by its Chairman,
Thalamuthu Natarajar Maligai,
Egmore, Chennai-600 008.
4. Mrs.A.Yasmin Begham
- 5.Mr.Hameed

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to take action against the Respondents 4 and 5 by preventing them from proceeding with the illegal and unlawful construction over the terrace portion of the building bearing Old Door No.78, New Door No.36, Cathedral Road, Gopalapuram, Chennai-86 and demolish the same forthwith.

For Petitioner : Mr.T.Susindaran
For Respondents : Mr.R.Arunmozhi for RR-1 & 2
Mr.Karthick Ragan for R-3
Mr.T.K.S.Gandhi for R-4
No appearance for R-5

ORDER

(The Order of the Court was made by M.Venugopal, J)

The Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to take action against the Respondent Nos.4 and 5 by preventing them from proceeding with the illegal and unlawful construction over the terrace portion of the building bearing Old Door No.78, New Door No.36, Cathedral Road, Gopalapuram, Chennai-86 and demolish the same forthwith.

2. It is represented by the Learned Counsel appearing for the Respondent Nos.1 and 2 that the appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, preferred by the Fourth Respondent, before the Government, was rejected on 03.01.2019. As a matter of fact, the Commissioner of Greater Chennai Corporation was directed to pursue action accordingly.

3. In view of the foregoing, this Court directs the Commissioner of Greater Chennai Corporation as well as the Respondent Nos.1 and 2 to pursue further course of action as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971, coupled with the Building Rules and Regulations, within a period of four weeks from the date of receipt of a copy of this order. If the Commissioner of Greater Chennai Corporation as well as the Respondent Nos.1 and 2 fail to take further course of action as per the order passed by the Government in the said proceedings under Section 80-A of the said Act, then, it is open for the Petitioner to initiate necessary Contempt Proceedings, of course, in the manner known to Law and in accordance with Law.

4. In the upshot, this Court closes the present Writ Petition, as nothing further survives for adjudication. There is no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai.

2. The Assistant Engineer,
Greater Chennai Corporation,
Ward No.118, Zone No.9,
Gopalapuram,
Chennai-600 086.

3. The Executive Engineer,
Greater Chennai Corporation,
Zone No.9, No.1, Lake Area,
Nungambakkam,
Chennai-600 034.

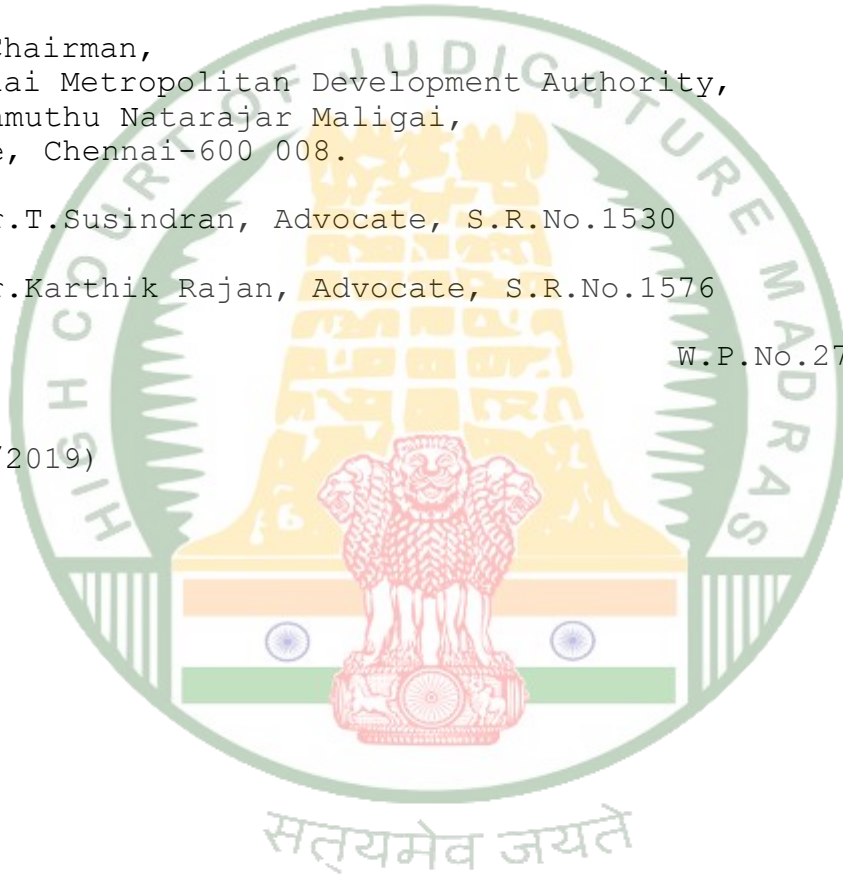
4. The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maligai,
Egmore, Chennai-600 008.

+1cc to Mr.T.Susindran, Advocate, S.R.No.1530

+1cc to Mr.Karthik Rajan, Advocate, S.R.No.1576

W.P.No.27928 of 2017

SPD(CO)
GSP(25/01/2019)



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