

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.28624 of 2018
and W.M.P.No.33409 of 2018

R.Premkumar
Rep. by his Power Agent,
Mr.V.S.Prakash. .. Petitioner

-vs-

- 1.The Chennai Metropolitan Development Authority, rep. by its Member-Secretary, Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road, Egmore, Chennai 600 008.
- 2.The Corporation of Chennai, rep. by its Commissioner, Ripon Buildings, Park Town, Chennai 600 003.
- 3.The Executive Engineer, The Corporation of Chennai, Zonal Office X, Division No.130, Kodambakkam, Chennai 600 024.

4.R.Muralidharan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents 1 to 3 from allowing the respondent no.4 from proceeding with illegal construction at Plot No.41, Old Door No.12, New Door No.24, Andavar Nagar, 3rd Street, Kodambakkam without leaving no setback space and consequently to demolish all the structures constructed in violations and deviations of permission, plan approval of respondents and comply with necessary building guidelines with a proper compound wall and fix responsibility on officer who are responsible.

For Petitioner : Mr.N.Sivakumar
For Respondents : Mr.S.Thiruvengadam
Stdg. Counsel for R-1
: Mr.R.Arunmozhi for RR 2 and 3
: Mr.R.Radha Pandian for R-4

O R D E R

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

The petitioner is seeking directions to respondent nos.1 to 3, i.e., The Member-Secretary, Chennai Metropolitan Development Authority; The Commissioner, Corporation of Chennai; and The Executive Engineer, Corporation of Chennai, Zonal Office X, Division No.130, Kodambakkam, Chennai 600 024, to take action against the illegal construction put up by respondent no.4.

2.According to the petitioner, the said illegal construction is put up at Plot No.41, Old Door No.12, New Door No.24, Andavar Nagar, 3rd Street, Kodambakkam and it has been constructed without leaving any set back space and there are other violations of building permission.

3.The learned counsel for respondent no.2/Corporation of Chennai has tendered an affidavit sworn to by the third respondent, i.e., The Executive Engineer, Corporation of Chennai, Zonal Office X, Division No.130, Kodambakkam, Chennai, wherein it is stated that locking and sealing and demolition notice under Sections 56 and 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971, has been issued to respondent no.4, on 04.12.2018. It is further stated in the affidavit that further action will be taken against the illegal construction put up by respondent no.4.

In view of the averments in the affidavit of respondent no.3, no further directions are necessary. The writ petition is disposed of. No costs. Consequently, W.M.P.No.33409 of 2018 is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Member-Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Park Town, Chennai 600 003.
- 3.The Executive Engineer,
The Corporation of Chennai,
Zonal Office X, Division No.130,
Kodambakkam, Chennai 600 024.

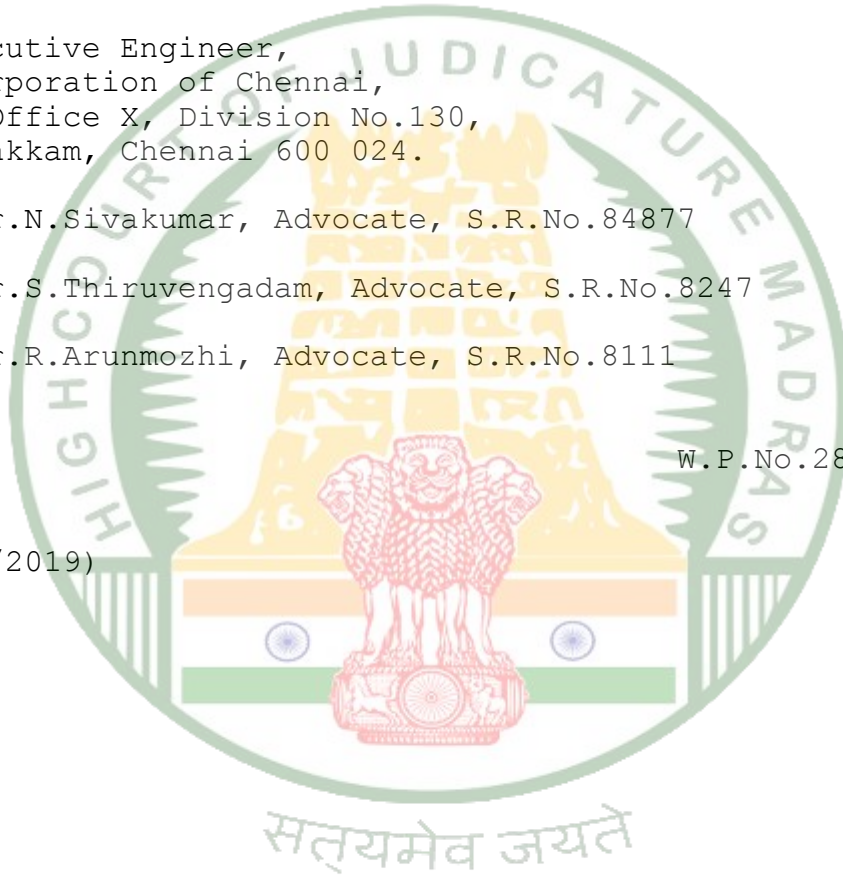
+1cc to Mr.N.Sivakumar, Advocate, S.R.No.84877

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.8247

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.8111

W.P.No.28624 of 2018

GP(CO)
GSP(25/02/2019)



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