

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2019

CORAM

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

W.P.No.32862 of 2018

J.Indhumathy

.. Petitioner

Vs

- 1 The District Collector
Chennai District
Chennai.
- 2 The Director of Town Country Planning
No.807, Anna Salai
Chennai-600 002.
- 3 The Corporation Commissioner
Rippon Building, Chennai.
- 4 The Zonal Officer
Zone-9, Chennai Corporation
Lake Area, Nungambakkam
Chennai - 600 034.
- 5 The Junior Officer
Ward No.118, Zone-9
Chennai Corporation
Chennai - 600 034.
- 6 The Assistant Engineer
Ward No.118, Zone-9
Chennai Corporation
Chennai - 600 034.

- 7 Chinna Kannu @ Gubendran .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 3 and 6 herein to consider the petitioner's representation dated 28.09.2018 and reminders on 25.10.2018 and consequently direct them to take action against the 7th respondent within a stipulated time.

For Petitioner : Mr.M.Sathishkumar

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondents 1 and 2

Mr.V.C.Selvasekaran
for respondents 3 to 6

Mr.J.Arokhiaraj
for 7th respondent

ORDER

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

Heard Mr.M.Sathishkumar, learned counsel for the petitioner; Mr.S.Kamalesh Kannan, learned Government Advocate for respondents 1 and 2; Mr.V.C.Selvasekaran, learned counsel for respondents 3 to 6 and Mr.J.Arokhiaraj, learned counsel for the 7th respondent.

2. The petitioner is seeking directions to respondents 3 and 6 to consider the petitioner's representation dated 28.9.2018 and subsequent reminder dated 25.10.2018, wherein she had prayed that action be taken against the seventh respondent in relation to the illegal construction put up by him in the land situated at No.43/49, Elango Salai, Vanniya Teynampet, Chennai - 600 018. According to the petitioner, the said construction was put up by the seventh respondent without getting any permission from the authorities.

3. The learned counsel representing respondents 3 to 6 has filed a counter affidavit, wherein it is stated that the premises was inspected on 7.9.2018 and based on the inspection, a notice calling for approved plan was issued to the seventh respondent on 7.9.2018 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. As the seventh respondent failed to comply with the said notice calling for approved plan, a further notice of Locking and Sealing and Demolition was issued to the seventh respondent on 20.10.2018 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, calling upon the seventh respondent to comply with the said notice within thirty days. However, even after expiry of the statutory period of thirty days as the Locking and Sealing and Demolition Notice dated 20.10.2018 was not complied with, a De-Occupation notice was issued to the seventh respondent on 17.12.2018 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town

and Country Planning Act, 1971, calling upon the seventh respondent to discontinue occupation within seven days. It is further stated in the counter affidavit that the seventh respondent has rented the other portions of the building to third parties and in order to take further action a De-Occupation notice was also issued to the occupants, other than the seventh respondent, on 8.2.2019, which was served on the occupants on 11.2.2019. It is also stated in the counter affidavit that further action will be taken against the unauthorized construction put up by the seventh respondent in accordance with law.

4. Thus, it is seen that the authorities concerned are taking action in relation to the illegal construction put up by the seventh respondent.

In such view of the matter, no further orders are required to be passed in this petition and, accordingly, the same is closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To:

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Ward No.118, Zone-9
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Chennai - 600 034.

+1cc to Mr.M.Sathishkumar, Advocate SR.No.35517

+1cc to Government Pleader SR.No.36258

W.P.No.32862 of 2018

RSI (CO)
GMY (08/05/2019)



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