

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. NO.32519 OF 2018

D.Venkatesh

.. Petitioner

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai - 600 003.
2. The Executive Engineer,
Zone IX - Greater Chennai Corporation,
Valluvarkottam,
Nungambakkam,
Chennai - 600 034.

3. S.T.Babu

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to remove the unauthorised constructions put up by the 3rd respondent at bearing Door No.6, Swamy Street, Royapettah, Chennai-14 in exercise of their authority under Section 256 and 256 A of the Chennai City Municipal Corporation Act as the said construction violating the sanctioned plan and endangering safety of the petitioner's dwelling house and lives.

For Petitioner : Mr.N.S.Sivakumar

For Respondents : Mr.V.C.Selvasekaran
for respondent Nos.1 and 2

Mr.P.S.Kothandaraman
for respondent No.3

ORDER

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

Heard Mr.N.S.Sivakumar, learned counsel for the petitioner; Mr.V.C.Selvasekaran, learned counsel for respondent Nos.1 and 2 and Mr.P.S.Kothandaraman, learned counsel for respondent No.3.

2. The case of the petitioner is that respondent No.3 has put up unauthorised construction at Door No.6, Swamy Street, Royapettah, Chennai-14, hence, the petitioner is seeking direction to respondent Nos.1 and 2 to remove the said unauthorised construction.

3. The learned counsel for respondent Nos.1 and 2 i.e., the Greater Chennai Corporation, has tendered the counter-affidavit of respondent No.2. In the said counter-affidavit of respondent No.2, it is stated that on receipt of the complaint from the petitioner, the site was inspected by the Assistant Executive Engineer, Unit-14, Zone-V and the Assistant Engineer, Division-63, Unit-14, Zone-V respectively. After inspecting the site in question, action was initiated by issuing a stop work notice/notice calling for approved plan under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice, which is dated 21.01.2019, was issued to respondent No.3.

4. It is further stated in the counter-affidavit of respondent No.2 that pursuant to the said notice, respondent No.3 submitted the approved plan copy and the building approval, which was granted on 11.06.2016. On scrutinizing the same, it was found that respondent No.3 had put up the construction by deviating from the approved plan, hence, further action was initiated against respondent No.3 by issuing locking and sealing and demolition notice under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice, which is dated 31.01.2019, was served on respondent No.3.

5. The learned counsel for respondent Nos.1 and 2 pointed out that respondent No.3 has filed an appeal against the locking and sealing and demolition notice issued to him. The learned counsel for respondent Nos.1 and 2 stated that further action against the construction put by respondent No.3 will be taken up in accordance with law. Thus, it is seen that the authorities are taking necessary steps in relation to the deviation in the construction put up by respondent No.3.

6. In such view of the matter, no further orders are

necessary at this stage. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Chennai - 600 003.
2. The Executive Engineer,
Zone IX - Greater Chennai Corporation,
Valluvarkottam,
Nungambakkam,
Chennai - 600 034.

+1cc to Mr.N.S.Sivakumar, Advocate, S.R.No.28429

+1cc to Mr.P.S.Kothandaraman, Advocate, S.R.No.28734

W.P.No.32519 of 2018

MG(CO)
CS/22/04/2019