

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.01.2019

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.33050 of 2018

G.Govindharaj

.. Petitioner

-vs-

- 1.The District Collector,
Singaravela Maligai,
Chennai - 600 001.
- 2.The Secretary,
Chennai Metropolitan Development Authority,
Thazhamuthu Natarajan Maligai,
Egmore, Chennai - 600 003.
- 3.The Commissioner,
Chennai Metropolitan Municipal Corporation,
Rippon Building,
Chennai - 600 003.
- 4.The Assistant Commissioner,
Greater Chennai Corporation,
Zone - 10, N.S.K. Salai,
Kodambakkam,
Chennai - 600 024.
- 5.The Assistant Engineer,
Chennai Metropolitan Municipal Corporation,
Zone - 10, Ward - 135 office,
West Mambalam,
Chennai - 600 033.
- 6.The Raju Electricals,
New No.90, Old No.155, Lake View Road,
West Mambalam,
Chennai - 600 033.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing respondents 3 to 5 to take appropriate action on the illegal encroachment and irregularities made by the 6th respondent based on the representation of the petitioner dated 15.11.2018.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondent No.1

Mr.Karthik Rajan
for respondent No.2

Mr.V.C.Selvasekaran
for respondent Nos.3 to 5

Mrs.Theresa Chellakumar
for respondent No.6

ORDER

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

The petitioner is seeking direction to respondent Nos.3 to 5 i.e., the Commissioner, Greater Chennai Corporation; the Assistant Commissioner, Zone-10 and the Assistant Engineer, Zone-10, Ward-135, Greater Chennai Corporation respectively to take appropriate action on the illegal encroachment and irregularities made by respondent No.6. The petitioner has also sent a representation dated 15.11.2018 to respondent Nos.3 to 5 on the said issue.

2. The learned counsel appearing for respondent Nos.3 to 5 has tendered the counter-affidavit of respondent No.4, wherein it is stated that locking and sealing and demolition notice under Section 57 read with Section 85 of the Town and Country Planning Act, 1971 was issued to respondent No.6. The said notice is dated 31.12.2018. It is further stated in the counter-affidavit that respondent No.6, after receipt of the said notice dated 31.12.2018 has given a letter dated 07.01.2019 to the Zonal Officer - Zone-X, Greater Chennai Corporation stating that the building in question has been put up in the year 2002 and respondent No.6 had applied for regularization of the building under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 on 26.10.2018 before the Chennai Metropolitan Development Authority and had requested not to take any action till the disposal of the regularization application filed by him.

3. It is further stated in the counter-affidavit filed by respondent No.4 that further action against the building of respondent No.6 will be taken after the disposal of the

regularization application by the Chennai Metropolitan Development Authority.

4. In this view of the matter, no further directions are necessary in the writ petition and the writ petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
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Chennai Metropolitan Development Authority,
Thazhamuthu Natarajan Maligai,
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- 3.The Commissioner,
Chennai Metropolitan Municipal Corporation,
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Greater Chennai Corporation,
Zone - 10, N.S.K. Salai,
Kodambakkam,
Chennai - 600 024.
- 5.The Assistant Engineer,
Chennai Metropolitan Municipal Corporation,
Zone - 10, Ward - 135 office,
West Mambalam,
Chennai - 600 033.

+1cc to Mr.Karthik Rajan, Advocate, S.R.No.5603
+1cc to Mr.D.Ashok Kumar, Advocate, S.R.No.5648
+1cc to Mr.S.Thankasivan, Advocate, S.R.No.5894
+1cc to the Government Pleader, S.R.No.5795

W.P. No.33050 of 2018

SPD(CO)

rrs 18/02/2019