

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.34821 of 2018

R.Varadaraj

.. Petitioner

Vs.

1. The Secretary to Government
Housing and Urban Development Department,
Fort St.George,
Secretariat, Chennai.
2. The Chennai Metropolitan Development Authority,
rep by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Commissioner,
Kundrathur Panchayat Union,
Padappai.
4. The District Collector,
Kancheepuram.
5. K.Vaidyanathan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 4 to initiate enforcement action against the unauthorized 22 villas to initiate lock, seal and demolition process of those unauthorized 22 villas constructed at Shanthi Nagar, Kovur near Kundrathur, Chennai as per provisions of Town and Country Planning Act, 1971.

For Petitioner : Mr.S.Ilamvaluthi

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (I/c) (R1, R3 & R4)
Mr.S.Thiruvengadam (R2)
Mr.S.Ramesh (R5)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of mandamus to direct the respondents 1 to 4 to initiate enforcement action against the 22 unauthorized Villas by locking and sealing and demolishing at Shanthi Nagar, Kovur, Near Kundrathur, Chennai as per the provisions of Town and Country Planning Act, 1971.

2.It is the case of the petitioner that the 5th respondent has constructed 22 Villas unauthorizedly and therefore, the official respondents should take action in accordance with law.

3.The 3rd respondent filed a counter, wherein it has been stated that out of the 22 Villas, 7 Villas in Kumaran Nagar Annexe Area have been constructed with set-back deviations and therefore, the 3rd respondent issued de-occupation notice dated 07.10.2017 to various persons in occupation of the said unauthorized Villas. Further, he has stated that the present owners of the said 7 Villas have been issued with de-occupation notice dated 03.07.2019. Further, the 3rd respondent has stated that he will take all further steps towards demolition of the said Villas in accordance with law.

4.Since the respondents are taking action in respect of the unauthorized construction and also stated that they will take further action in accordance with law, no further direction need be issued to the 3rd respondent. Recording the averments stated in paragraph nos.11 & 12 of the counter affidavit of the 3rd respondent, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va

To

1. The Secretary to Government
Housing and Urban Development Department,
Fort St.George, Secretariat, Chennai.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3. The Commissioner,
Kundrathur Panchayat Union,
Padappai.

4. The District Collector,
Kancheepuram.

+1 cc to Mr.S.Ilamvaluthi, Advocate, S.R.No.64006

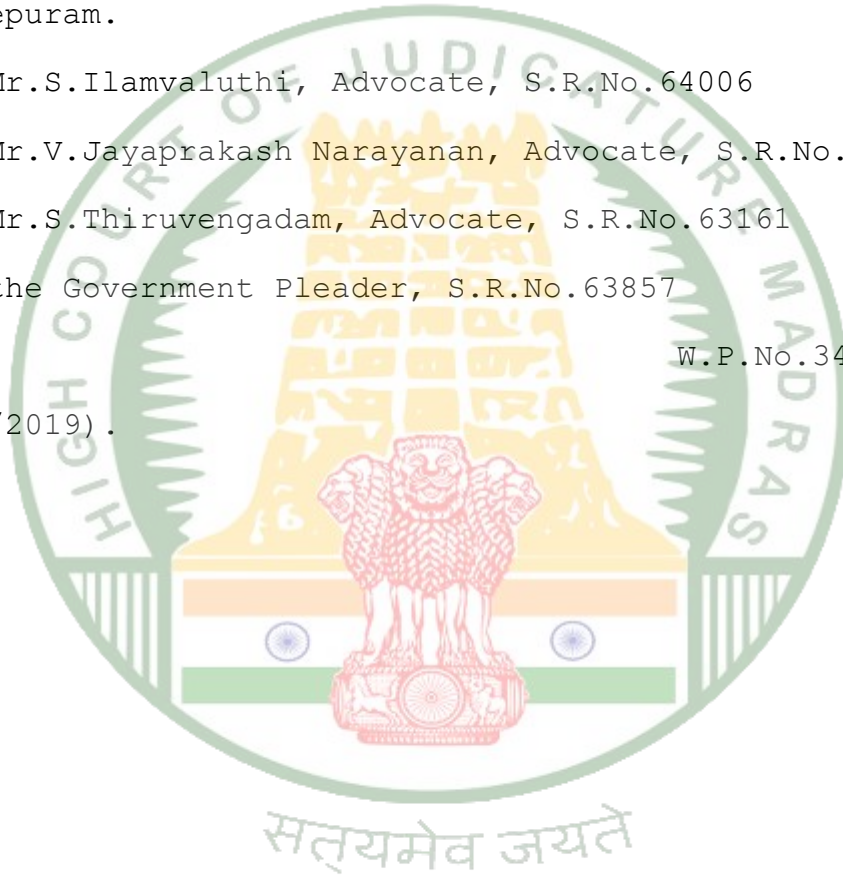
+1 cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.63906

+1 cc to Mr.S.Thiruvengadam, Advocate, S.R.No.63161

+1 cc to the Government Pleader, S.R.No.63857

W.P.No.34821 of 2018

KS (CO)
SSM(09/08/2019).



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