

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM

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

W.P.No.32836 of 2018

Praveena

.. Petitioner

Vs.

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarasan Maligai, Egmore
Chennai - 600 006.
- 2 The Zonal Officer Zone-VIII
Corporation of Chennai
No.36-B 2nd Cross Street
Pulla Avenue Shenoy Nagar
Chennai - 600 030.
- 3 The Assistant Engineer
Corporation of Madras
Division No.101
No.36-B 2nd Cross Street
Pulla Avenue Shenoy Nagar
Chennai - 600 030.
- 4 The Inspector of Police (L & O)
K-4 Anna Nagar Police Station
Chennai - 600 040.
- 5 Pradeep Choleyil
- 6 Jayadevi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 1 to 4 to clear all sort of illegal constructions being made by the 5th and 6th respondents in the ground floor area of the building bearing Door No.26, I-Block, 1st Avenue, Anna Nagar East, Chennai - 600 102.

For Petitioner : Mr.A.P.Surya Prakasam

For Respondents : Mr.Karthik Rajan
for 1st respondent

Mr.R.Arunmozhi
for respondents 2 and 3

Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for 4th respondent

Mrs.R.Meenal
for respondents 5 and 6

ORDER

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

Heard Mr.A.P.Surya Prakasam, learned counsel for the petitioner; Mr.Karthik Rajan, learned counsel for the first respondent; Mr.R.Arunmozhi, learned counsel for respondents 2 and 3; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) for the fourth respondent and Mrs.R.Meenal, learned counsel for respondents 5 and 6.

2. The petitioner is seeking directions to respondents 1 to 4 to clear the illegal construction put up by respondents 5 and 6 in the ground floor area of the building bearing Door No.26, I-Block, 1st Avenue, Anna Nagar East, Chennai - 600 102.

3. The learned counsel for respondents 2 and 3, i.e., the Corporation of Chennai, has tendered a counter, wherein it is stated that the said building has been inspected by the Assistant Executive Engineer on 16.10.2018 and after inspecting the site, action has been initiated against respondents 5 and 6. It is stated that a Locking and Sealing notice dated 8.11.2018 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 has been issued to the fifth respondent. In continuation to the Locking and Sealing Notice, a De-occupation Notice dated 8.12.2018 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 was also issued to the fifth respondent. It is to be noted that the sixth respondent is the wife of the fifth respondent.

4. In the affidavit, it is further stated that against the Lock and Sealing and De-Occupation notices, the fifth respondent

has preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and also prayed for stay.

5. Thus, it is seen that the second respondent has taken all steps which are required in relation to the unauthorized construction. Therefore, no further orders are necessary at this stage.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.38041 of 2018 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sasi

To:

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4 The Inspector of Police (L & O)
K-4 Anna Nagar Police Station
Chennai - 600 040.

+1cc to Mr.Karthik Rajan, Advocate Sr.74103
+1cc to M/S.R.Meenal, Advocate Sr.24394
+1cc to the Government Pleader Sr.24667

W.P.No.32836 of 2018

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srg 30/03/2019



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