

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 33618 of 2018
and
W.M.P. 39015 of 2018

Dr.G.Chandrakala

... Petitioner

Versus

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai.
3. Zonal Officer,
Zone IX (Teynampet),
Chennai Metropolitan Development
Authority,
No.4, 4th Cross Street,
Lake View Road,
Chennai-600 034.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to take appropriate enforcement actions to put an end to the unauthorised occupation of Basement 2, "Lakshmi", 179, Avvai Shanmugam Salai, royapettah, Chennai-600 014 by implementing the order passed by this Hon'ble Court in W.P. 9707 of 2018 dated 26.04.2018 read with the order passed by the 3rd respondent in Z.IX. C.No. 05163/2018 dated 06.06.2018.

For Petitioner : Mr.T.N.Rajagopalan for
Mr.K.Gowtham Kumar

For Respondents : Mrs. Karthikaa Ashok
Standing Counsel for R1

Mr.P.S.Ganesh for R2 & R3

ORDER

This Writ Petition has been filed seeking a direction to the respondent Corporation to remove the unauthorised occupants in Basement 2, "Lakshmi", 179, Avvai Shanmugam Salai, Royapettah, Chennai-600 014.

2. According to the petitioner, a common area, which is meant for putting up generator and storage, which has been unauthorisedly occupied by one of the tenants. Hence, the petitioner has approached this Court by way of filing a Writ Petition in W.P.9707 of 2018 and this Court by an order dated 26.04.2018 directed the petitioner to consider the petitioner's representation and pass suitable orders.

3. Pursuant to the order passed by this Court, the Assistant Commissioner, Zone-IX also passed an order for removal of encroachment and consequently, lock and seal notice under Sec.56 and 57 read with Sec.58 of Tamil Nadu Town and Country Planning Act was also issued to the encroacher on 27.08.2018. Even thereafter, no action has been taken by the respondent Corporation, and hence, the present Writ Petition has been filed by the petitioner.

4. Earlier, when the matter was taken up for hearing, Mrs.Karthikaa Ashok, learned counsel appearing for the respondent Corporation, on instructions, submitted that the encroachment has been already removed, wherein, the learned counsel for the petitioner submitted that in respect of other common area, some other tenants have occupied unauthorisedly. Hence, the learned counsel appearing for the respondent corporation is directed to verify the same.

5. Today, when the matter was taken up for hearing, the learned counsel appearing for the respondent, on instructions, submitted that there are some other encroachment in the other common area, for which a notice under Sec.56 and 57 read with Sec.85 of the Tamil Nadu Town and Country Planning Act has been issued and they will take further action.

6. Considering the fact that already in respect of the portion, for which the petitioner has filed the Writ Petition, the encroachment has already been removed and now, in respect of other encroachment, the respondent Corporation has taken action.

Hence, no further adjudication is required in the Writ Petition. Therefore, the present Writ Petition stands closed. No costs. Consequently, the connected Writ Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
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Egmore, Chennai.
3. The Zonal Officer,
Zone IX (Teynampet),
Chennai Metropolitan Development
Authority,
No.4, 4th Cross Street,
Lake View Road,
Chennai-600 034.

+1cc to Mr.K.Gowtham Kumar, Advocate sr.4725
+1cc to Mrs.Karthikaa Ashok Advocate sr.4156

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and
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ssi(co)
nr 28/02/2019