

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.13358 of 2020

and

WMP.No.16500 of 2020

1. Prashant Rajagopal
2. K.P.Anantha Krishna
3. Srinivas Ramdas Sunder
4. Bhagwandas Agarwal
5. Rathindra Nath Roy
6. K.C.P. Shivraman
7. Mallika Mani
8. Natrajan
9. V.G.Chandrasekharan
10. B.N.Saravanan
11. S.P.Raghunathan
12. A.Mohammed Mujammal
13. Ashok Krishnaswamy

...Petitioners

vs.

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The Commissioner,
Corporation of Greater Chennai,
Ripon Buildings,
Chennai - 600 003.
3. The Zonal Officer,
Greater Chennai Corporation,
Zone IX [Teynampet],
No.8, Lake Area,
Nungambakkam, Chennai - 600 034.
4. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

5. Vruksha Montessori School,
Represented by its Principal,
Ms.Jayashree,
35/1, 3rd Street, Abhiramipuram,
Alwarpet, Chennai - 600 018.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to take action against the 5th respondent for putting up a school in the premises at Door No.22/28, Sriman Srinivasan Road, Alwarpet, Chennai in contravention of the Tamil Nadu Combined Development Building Rules, 2019.

For Petitioners : Mr.Govind Chandrasekhar

For Respondents : Mr.E.Balamurugan, SGP -R1
Mrs.Karthiga Ashok - R2 & R3
Mr.G.Vivekanand -R5

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to take action against the fifth respondent for attempting to run a school in a place, which is earmarked for residential building.

2.The learned Standing Counsel appearing on behalf of the Corporation of Chennai has circulated the written instructions and a careful reading of the said instructions reveals the fact that the Corporation of Chennai has found the construction put up by the owner of the building, wherein the fifth respondent is a lessee, to be in violation of the Tamil Nadu Combined Development Building Rules, 2019 and hence, a notice has been issued under Sections 56 and 57 r/w Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 to the fifth respondent on 13.10.2020. The learned Standing Counsel by relying upon the written instructions, submitted that the entire construction is unauthorised and hence, the Corporation of Chennai is proceeding to take further action for locking and sealing.

3.The submission of the learned Standing Counsel appearing on behalf of the Corporation of Chennai is recorded. The fifth respondent, if aggrieved by the notice issued by the Corporation of Chennai, will have to agitate the same independently and the said issue cannot be collaterally gone into, in the present writ petition.

4.This writ petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The Commissioner,
Corporation of Greater Chennai,
Ripon Buildings,
Chennai - 600 003.
3. The Zonal Officer,
Greater Chennai Corporation,
Zone IX [Teynampet],
No.8, Lake Area,
Nungambakkam, Chennai - 600 034.
4. The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.

+1cc to M/s.Govind Chandrasekhar, SR.NO.37907

सत्यमेव जयते

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and
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SR II (CO)
KKV/31/12/2020

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