

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos. 13518 and 11373 of 2020
and W.M.P.Nos. 16729, 16730 and 13865 of 2020

W.P.No.13518 of 2020

1.M.C.Thiagaraajan
2.T.Prema

.. Petitioners

vs

1.The Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St.George,
Chennai - 09.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai,
Gandhi Irwin Road, Egmore,
Chennai - 08.

3.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Park Town,
Chennai - 03.

4.The Assistant Commissioner,
Greater Chennai Corporation,
Zone - VIII, Shenoy Nagar,
Chennai - 30.

5.The Executive Engineer,
Greater Chennai Corporation,
Zone - VIII, Shenoy Nagar,
Chennai - 30.

6.U.Balashanmugham

.. Respondents

W.P.No. 11373 of 2020

U.Balashanmugham

.. Petitioner

Vs

1.Greater Chennai Corporation,
Rep. By its Commissioner,
Rippon Building,
Chennai - 03.

2.The Assistant Commissioner,
Zone 8, Greater Chennai Corporation,
Shenoy Nagar,
Chennai - 30.

3.The Executive Engineer,
Zone 8, Corporation of Chennai,
Shenoy Nagar, Chennai - 30.

4.The Chennai Metropolitan Development Authority,
Rep. By its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 08.

5.The Principal Secretary to Government,
Housing and Urban Development Authority,
Government of Tamil Nadu,
Secretariat, Chennai - 09.

6.Thyagarajan

.. Respondents

Prayer in W.P.No.13518 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing respondents 2 to 5 to forbear from in anyway interfering with the premises at No.19/50, Harleys Lane, Off Harleys Road, Kilpauk, Chennai - 10 pending disposal of the appeal before the 1st respondent dated 18.06.2019 filed u/s 80A & 80A(III) of the Town and Country Planning Act, 1971.

Prayer in W.P.No.11373 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing respondents 1 to 4 to demolish the unauthorized construction put up by the 6th respondent at No.19/50, Harleys Lane, Harleys Road, Kilpauk, Chennai -600 010 in terms of the order passed by the Housing and Urban Development Department dated 05.09.2019.

For Petitioner(s)
in WP 11373/20
in WP 13518/20

.. Mr.Suhrith Parthasarathy
.. Mr.AR.L.Sundaresan Sr.Adv
for Mr.M.K.Bhoopathy Rajan

For Respondents
in WP 11373/20

.. Mr.K.Raja Srinivas for R1 to R3
Mr.P.S.Ganesh for R4
Mr.R.Vijayakumar,
Addl. Govt. Pleader for R5
Mr.AR.L.Sundaresan, Sr.Adv
for Mr.M.K.Bhoopathy Rajan for R6

in WP 13518/20

.. Mr.R.Vijayakumar,
Addl. Govt. Pleader for R1
Mr.Karthik Rajan for R2
Mr.K.Raja Srinivas for R3 to R5
Mr.Suhrith Parthasarathy for R6

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

In view of the commonality of the issues involved, both the writ petitions are taken up together and disposed of by a common order.

2. We have heard the learned counsel appearing for the parties.

3. Learned Senior Counsel appearing for the petitioners in W.P. No. 13518 of 2020 submitted that part of the compliance has been made. There is an old lady of 95 years living in the premises. The petitioners are ready and willing to comply with the remaining part. After giving sufficient time, the respondent/Corporation can make an inspection and satisfy with the compliance. Till such time, the premises in question need not be put under lock and seal.

4. Learned counsel appearing for the petitioner in W.P.No.11373 of 2020 submitted that the violation is rather huge and it cannot be condoned. The entire floor has been put up contrary to law.

5. Learned counsel appearing for the Corporation submitted that if the rectification is shown to the satisfaction of the authorities and the same is in compliance with the approved plan, then the request made may be considered.

6. Considering the submissions made and without going into the merits of the case, the petitioners in W.P.No. 13518 of 2020

are granted five months from the date of receipt of a copy of this order to comply with the removal of the objectionable construction put up contrary to the approved plan. Thereafter within a period of two weeks, the respondent/Corporation officials will have to be intimated accordingly. Inspection will have to be made within a period of two weeks thereafter. After the compliance is shown, then appropriate action will have to be taken by the respondent/Corporation in favour of the petitioners in W.P.No.13518 of 2020. Otherwise, consequential action will have to be taken which would be inclusive of lock and seal followed by demolition.

7. The writ petitions stand disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Commissioner

Greater Chennai Corporation,
Rippon Building, Chennai - 03.

2.The Assistant Commissioner,

Zone 8, Greater Chennai Corporation,
Shenoy Nagar,
Chennai - 30.

3.The Executive Engineer,

Zone 8, Corporation of Chennai,
Shenoy Nagar, Chennai - 30.

4.The Member Secretary,

Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 08.

5.The Principal Secretary to Government,

Housing and Urban Development Authority,
Government of Tamil Nadu,
Secretariat, Chennai - 09.

+5ccs to Mr.M.K.Bhiipathirajan , Advocate SR.No. 3167,31366

+1cc to Mr.K.Raja Srinivas , Advocate SR.No. 31667

W.P.Nos. 13518 and 11373 of 2020

A.SK(16/10/2020)