

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.21690 of 2019
and
W.M.P.No.20910 of 2019

R.M.Chandra Mouli
S/o.C.Ramaiah

... Petitioner

Vs

- 1.Government of Tamil Nadu
represented by Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600009.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600008.
- 3.The Member Secretary,
CMDA, Chennai.
- 4.The Zonal Executive Officer,
Greater Chennai Corporation,
Zone - V,
No.62, Basin Bridge Road,
Old Washermenpet, Chennai - 600021.

- 5.M/s.Gururaj Buildcon Pvt. Ltd.,
represented by its Director Ashok Kumar,
Old No.4, New No.1/1-7 and N.No.3, Old No.2,
Plot No.A & B, Daley Street,
Choolai, Chennai - 600112.

(Address of R5 is amended as per the order made
in W.M.P.No.23371/2019 in W.P.No.21690/2019)

- 6.M/s.Jainam Foundation,
represented by its Director,
Bharat Kumar Singhvi,

No.8/14, Valliammal Road,
Vepery, Chennai - 600007.

7.R.Sunitha

8.Bharat Kumar Singhvi

9.Dinesh Kumar

10.Gajraj Jain

11.B.Ramesh Kumar

12.Satheesh Kumar

13.Mool Chand Ranka

14.Kokila R.Jain ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 2 and 4 to de-occupy and re-seal the unauthorized building construction in Old No.4, New No.1/1-7, N.No.3, Old No.4 (Plot A & Plot B), Daley Street, Chennai - 600112, as per notice issued by second respondent Corporation in Notice No.Dn.58/031-0A/2019 dated 13.03.2019 (for Plot A) and Notice No.Dn.58/031-0/2019 dated 13.03.2019 (for Plot B) and consequently to demolish the said unauthorized building construction, as per the above said notices issued by second respondent Corporation and to remove the debris, to hand over the vacant land to the petitioner.

For Petitioner : Mr.P.K.Rajesh Praveen Kumar

For Respondents: Mr.E.Balamurugan
Special Government Pleader [R1]
Mr.Raja Shrinivas [R2 to R4]
Mr.Ashok Menon [R7]
Mr.P.Dinesh Kumar [R9]
Mr.T.Velumani [R13]

W R I T
[Order of this Court was made by R.SUBBIAH, J]

The present Writ Petition has been filed seeking issuance of a Writ of Mandamus directing respondents 2 and 4 to de-occupy and re-seal the unauthorized building construction in Old No.4, New No.1/1-7, N.No.3, Old No.4 (Plot A & Plot B), Daley Street, Chennai - 600112, as per notice issued by second respondent Corporation in Notice No.Dn.58/031-0A/2019 dated 13.03.2019 (for

Plot A) and Notice No.Dn.58/031-0/2019 dated 13.03.2019 (for Plot B) and consequently to demolish the said unauthorized building construction, as per the above said notices issued by second respondent Corporation and to remove the debris and hand over the vacant land to petitioner.

2. Heard learned counsel for petitioner, learned Special Government Pleader appearing for first respondent, learned standing counsel appearing for respondents 2 to 4 and learned counsel appearing for other respondents.

3. Learned counsel for petitioner submits that petitioner owns a land and house premises bearing New Door No.20, Old Door No.4, Hunters Road, now known as Sri Narayana Guru Road, Purasaiwakkam, Chennai. Originally, the property belongs to Government. The said property was settled in favour of petitioner's father vide Certificate No.3962 dated 27.02.2012 executed by the Tahsildar, who, in turn, settled the same in favour of the petitioner. While so, fifth respondent, approached the Revenue Department and produced some fraudulent document for mutation in the revenue records and to change patta in his name with regard to the aforesaid property. Petitioner issued a legal notice dated 25.08.2015 raising objections for changing the patta to Tahsildar, Perambur Taluk and Tahsildar, Purasaiwalkam Taluk. While so, the house premises in the said property was demolished. Since the fifth respondent is putting up construction illegally and unauthorizedly, petitioner submitted a representation to Corporation of Chennai and CMDA. Pursuant thereto, second respondent has issued a notice dated 28.12.2016 regarding 'Locking and Sealing and Demolition' and the said premises were locked and sealed on 08.03.2017. Thereafter, pursuant to the interim order of first respondent, the premises were de-sealed on 30.06.2017 for a period of three months for rectification works. Though in the final order, the first respondent directed the Corporation to take enforcement action, till date the premises were not re-sealed. Hence, the present Writ Petition has been filed seeking the aforesaid relief.

4. Learned standing counsel for respondents 2 to 4, relying on the counter filed by third respondent/CMDA, submits that the second respondent Corporation has already initiated enforcement action vide Notice No.58/031-0A/2019 dated 13.03.2019 (for Plot A) and Notice No.Dn.58/031-0/2019 dated 13.03.2019 (for Plot B) and further course of action is to be pursued by second respondent under the delegation of power issued by CMDA as also as per the MCMC Act, 1919.

5. Though several contentions have been raised in this Writ Petition, from the counter of third respondent, this Court finds that already enforcement action has been initiated and hence,

nothing survives for further adjudication in the present petition.

Accordingly, the Writ Petition is closed. No costs. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600009.
 - 2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600008.
 - 3.The Member Secretary,
CMDA, Chennai.
 - 4 The Zonal Executive Officer,
Greater Chennai Corporation,
Zone - V,
No.62, Basin Bridge Road,
Old Washermenpet, Chennai - 600021.
- +1 CC to Mr. Karthi Rajan, Advocate sr 13559.
+1 CC to Mr.P.K. Rajesh Praveen Kumar, Advocate sr 13403.
+1 CC to Ashok Menon, Advocate sr 13375
+1 CC to Mr.T.Velumani, Advocate Sr 14390.
+1 CC to Govt. Pleader sr 13609.

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CP(CO)
SP(18/05/2020)