

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2020

CORAM

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

Writ Petition No.28136 of 2019

I.Abraham Nadar
S/o.Isaac

... Petitioner

Vs

1.Greater Chennai Corporation
represented by its Commissioner,
Ripon Buildings, Chennai - 600003.

2.The Zonal Executive Engineer (Zone-IV)
Greater Chennai Corporation,
No.266, Thiruvottiyur High Road,
Chennai - 600021.

3.Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600008.

4.M.Moolaram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 and 2 to take enforcement action on the fourth respondent in respect of illegal construction put up by fourth respondent in premises bearing Door No.45, 4th Street, Karunanidhi Nagar, Tondiarpet, Chennai - 600081, as per the provisions of Sections 56 and 57 r/w Section 85 of the Tamil Nadu Town Country Planning Act, as amended Tamil Nadu Town and Country Planning (Amendment) Act, 2008, pursuant to the representation of the petitioner dated 02.08.2019.

For Petitioner : Mr.S.Saravanakumar

For Respondents: Dr.C.Ravichandran [R1 & R2]
Mrs.P.Veena Suresh [R3]
Mr.P.Ravishankar [R4]

O R D E R

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

Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus directing respondents 1 and 2 to take enforcement action on the fourth respondent in respect of illegal construction put up by fourth respondent in premises bearing Door No.45, 4th Street, Karunanidhi Nagar, Tondiarpet, Chennai - 600081, as per the provisions of Sections 56 and 57 r/w Section 85 of the Tamil Nadu Town Country Planning Act, as amended Tamil Nadu Town and Country Planning (Amendment) Act, 2008, pursuant to the representation of the petitioner dated 02.08.2019.

2. Heard learned counsel for petitioner and learned counsel appearing for respondents.

3. Learned counsel for petitioner submits that petitioner is the owner of the house bearing Door No.41/1, 4th Street, Karunanidhi Nagar, Tondiarpet, Chennai - 600081. Adjacent to petitioner's property, fourth respondent is constructing a four storied building without obtaining valid planning permission either from the Corporation of Chennai or Chennai Metropolitan Development Authority. The illegal construction put up by fourth respondent has caused damage to petitioner's building and hence, petitioner requested fourth respondent several times to demolish the construction put up by him. The said request was not acceded to. Therefore, petitioner sent a legal notice dated 14.05.2019 to fourth respondent and a representation to respondents 1 to 3 to take action against the fourth respondent. Since no action was taken, the present Writ Petition has been filed seeking the aforesaid relief.

4. Learned counsel appearing for second respondent/Corporation, relying on the counter, submits that on receipt of notice in the Writ Petition, due inspection was conducted and a Lock and Seal and Demolition Notice dated 20.09.2019 was issued u/s.57 r/w Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 and the fourth respondent has also given a reply dated 09.10.2019 stating that he has preferred an appeal u/s.80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the Secretary to Government, Housing and Urban Development Department and requested not to take any action till the disposal of the appeal. Learned counsel submits that further action would be taken only after disposal of the above appeal.

In the aforesaid circumstance, there is no need to issue any specific direction as prayed for. Accordingly, recording the submission of second respondent/Corporation, the Writ Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1.The Commissioner,
Greater Chennai Corporation
Ripon Buildings, Chennai - 600003.

2.The Zonal Executive Engineer (Zone-IV)
Greater Chennai Corporation,
No.266, Thiruvottiyur High Road,
Chennai - 600021.

3.Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600008.

+1cc to Dr.C.Ravichandran, Advocate SR.1818

+1cc to Mrs.P.Veena Suresh, Advocate SR.1766

+1cc to Mr.S.Saravanakumar, Advocate SR.2469

Writ Petition No.28136 of 2019

MP(CO)
CB(13/02/2020)

सत्यमेव जयते

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