IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.19874 of 2020

D.Karthi .. Petitioner

Versus

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road,
Egmore, Chennai-600 008

2.The Block Development Officer,
Chitlapakkam,
Chennai

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3.The Executive Officer,
Perungalathur Town Panchayat,
Old Perungalathur, Chennai-600 063

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4.Krishnamoorthy .. Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the third respondent to demolish the unauthorized construction of 4th respondent in Prince Homes, Vivek Nagar, 1st Street, Plot No.1, New Perungalathur, Chennai-600 063 by considering the petitioner representation dated 12.06.2020 and 07.07.2020 within the time frame fixed by this Court.

For Petitioner : Mr.S.Sarath Chandran

For Respondents
For R1 : Mr.S.Thiruvengadam

For R3 : Mr.V.Jayaprakash Narayanan, Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J. Through Video Conference]

The petitioner is the owner of Flat No.F2, First Floor, Prince Homes, Vivek nagar, New Perungalathur, Chennai 600 063 and alleging that the 4th respondent, in violation of the Planning Permission, has raised a construction to an extent of 900 sq.ft as a residential unit in the ground floor, came forward to file this Writ Petition.

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2. The learned counsel appearing for the petitioner would submit that as per the Planning Permission issued, Car Parking slots to be allotted in the ground floor and entire ground floor need to be kept as vacant, without any constructions and in utter violation of the Planning Permission, the 4th respondent has put up a residential unit and the representation dated 12.06.2020, submitted in this regard, is yet to invoke any kind of response and therefore, came forward to file this Writ Petition.

3. Mr.S.Thiruvengadam, learned Standing Counsel (CMDA) accepts notice on behalf of the 1st respondent and Mr.V.Jayaprakash Narayanan, learned Government Pleader accepts notice on behalf of the 3rd respondent.

4. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the 3rd respondent to put the petitioner as well as the 4th respondent on notice and cause inspection of the premises at Prince Homes, situated at Plot No.1, Vivek Nagar, 1st Street, S.F.No.184/1B2, New

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Perungalathur, Chennai 600 063 and if the result of the inspection reveals any infraction, as per the relevant norms / regulations / Planning Permission, shall take appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner as well as the 4th respondent.

5. The Writ Petition stands disposed of, accordingly. No costs.

[M.S.N.,J] [R.H., J]
23.12.2020

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Internet : Yes/No
Index : Yes/No

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To

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AND
R.HEMALATHA.,J
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