

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.990 of 2021
and
W.M.P.Nos.1085 & 1089 of 2021

D.Varadhan ... Petitioner

Vs.

- 1.The Member Secretary,
CMDA,
Thalamuthu Natarajar Maligai,
Egmore, Chennai - 600 008.
- 2.The Commissioner, Corporation of Chennai,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
- 3.The Zonal Officer - Zone VIII,
Corporation of Chennai,
Pulla Avenue, Chennai - 600 030.
- 4.The Asst. Engineer - Division No.105,
Corporation of Chennai,
Kannagi Street, Arumbakkam,
Chennai - 600 106.

5.P.Venkatachalam

6.P.Madhana Gopal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and 2nd respondent to take necessary action to demolish the unauthorized construction put up by the 5th and 6th respondent in Door No.106, Pillaiyar Koil Street, Arumbakkam, Chennai - 600 106, comprised in Old Survey No.194/1B Part, presently T.S.No.73, in Block No.9 of Arumbakkam Village, Aminjikarai Taluk, Chennai District without followint the C.M.D.A rules and norms.

For Petitioner : No appearance

For R1 : Mr.P.S.Ganesh
Standing Counsel

For R2 to R4 : Mr.K.Raja Srinivas
Standing Counsel

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

There is no representation on behalf of the petitioner.

2.Mr.P.S.Ganesh, learned Standing Counsel, accepts notice on behalf of the 1st respondent. Mr.K.Raja Srinivas, learned Standing Counsel, accepts notice on behalf of the respondents 2 to 4.

3.The petitioner claims to be the owner of the land and superstructure at Door No.107, Pillaiyar Koil Street, Arumbakkam, Chennai-600 106, admeasuring an extent of 1208 sq. ft., comprised in Old Survey No.194/1B Part, presently T.S.No.71, in Block No.9 of Arumbakkam Village, Aminjikarai Taluk, Chennai District, together with 50% undivided share of right, title, claim and interest over the 5 Feet Pathway leading from Pillaiyar Koil Street to his property. The petitioner would further aver that the property is also subject to statutory levies, and he as well as his neighbours on eastern side are also having joint ownership and right over the 5 Feet Pathway leading from Pillaiyar Koil Street. It is the specific case of the petitioner that the respondents 5 and 6, who are the adjacent owners on the southern boundary of his property, without any valid building plan/permit, started putting up construction over the property situated in Door No.106, Pillaiyar Koil Street, Arumbakkam, Chennai - 600 106, and in this regard, the petitioner has also given an online complaint, dated 25.11.2020, to the 2nd respondent, followed by representation dated 08.12.2020, and despite receipt and acknowledgment, no action has been taken, and therefore, he is constrained to approach this Court by filing this writ petition.

4.Mr.K.Raja Srinivas, learned Standing Counsel, appearing for the respondents 2 to 4, would submit that, notices have been issued to the respondents 5 and 6, calling for approved plan, and further course of action would be taken in accordance with law.

5.Mr.P.S.Ganesh, learned Standing Counsel appearing for the 1st respondent, would submit that, in the absence of any

specific details as to the ongoing construction, the role of the 1st respondent is very limited, and even otherwise, action for demolition of unauthorised construction would vest with the respondents 2 to 4.

6.This Court has considered the arguments advanced by the learned Standing Counsels appearing for the respondents 1 to 4.

7.This Court, taking into consideration the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in his online complaint or in his representation, directs the respondents 3 and 4 to cause inspection of the alleged ongoing construction being put up by the respondents 5 and 6, after putting them on notice, and similar exercise may also be carried out in respect of the premises of the petitioner, and if the results of the inspection reveals any unauthorised/deviated construction, necessary and appropriate action shall be taken in accordance with law, also by adhering to the principles of natural justice, and the said exercise is to be completed within a period of ten weeks from the date of receipt of a copy of this order/uploading of this order in the website, and the decision taken in this regard shall also be informed to the petitioner as well as to the respondents 5 and 6.

This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Member Secretary,
CMDA,
Thalamuthu Natarajar Maligai,
Egmore, Chennai - 600 008.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
- 3.The Zonal Officer - Zone VIII,
Corporation of Chennai,
Pulla Avenue, Chennai - 600 030.

4.The Assistant Engineer - Division No.105,
Corporation of Chennai,
Kannagi Street, Arumbakkam,
Chennai - 600 106.

+1 cc to M/s.K.Raja Srinivas,Advocate Sr.No.3010

AKM/11.02.2021/4P-6C /

W.P.No.990 of 2021
20.01.2021



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