

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5695 of 2021

M.Baskaran ... Petitioner

-vs-

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Zonal Officer,
Zone VI,
No.5, Anderson Salai,
Ayanavaram, Chennai - 600 023.
3. The Secretary,
Chennai Metropolitan Development Authority (CMDA),
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
4. S.Vinoth Kumar .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent 1 to 3 to consider the petitioner representation dated 27.10.2020 and consequently, direct the second respondent to take further action upon the Lock and Seal Notice No.06/00253/2019, dated 21.12.2019, as per the second respondent RTI reply dated 13.10.2020 within the time frame fixed by this Court.

For Petitioner : Mr.K.Seetha Ram

For Respondents : Mrs.Karthika Ashok
for respondent Nos.1 and 2

: Mr.K.S.Suresh
Government Advocate
for respondent No.3

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The writ petitioner complains both of unauthorised construction and encroachment by the fourth respondent herein.

2. Learned counsel for the petitioner contends that the second respondent had issued a stop work notice dated 09.12.2019 and lock and seal notice dated 21.12.2019 in respect of such unauthorised construction, but no follow up action was taken thereafter.

3. Mrs.Karthika Ashok, learned counsel, accepts notice on behalf of respondents 1 and 2. She states that action has already been initiated under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 in respect of the unauthorised construction. As regards the alleged encroachment of public land, she states that necessary action would be taken upon conducting an inquiry in that regard.

4. Accordingly, without examining the merits or tenability of the representation dated 27.10.2020, respondents 1 and 2 herein are directed to consider such representation and pass a speaking order after providing a reasonable opportunity of hearing to all the affected parties, including the fourth respondent. Such speaking order shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

W.P.No.5695 of 2021 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

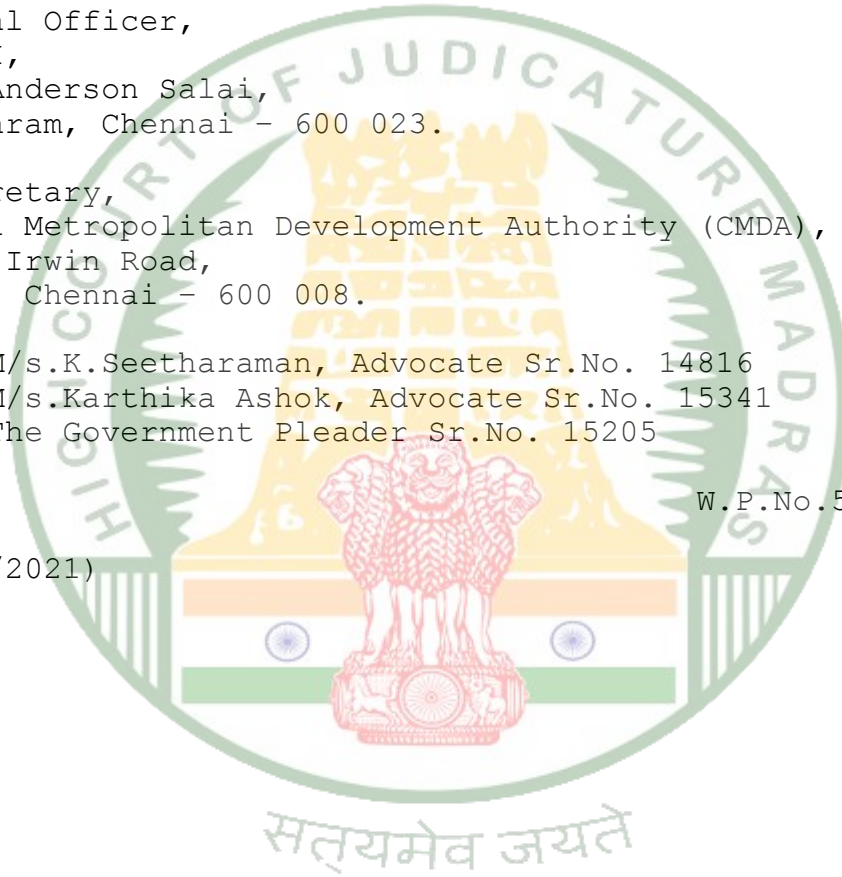
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To:

- 1.The Commissioner,
Corporation of Chennai,
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 - 2.The Zonal Officer,
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 - 3.The Secretary,
Chennai Metropolitan Development Authority (CMDA),
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- +1 cc to M/s.K.Seetharaman, Advocate Sr.No. 14816
+1 cc to M/s.Karthika Ashok, Advocate Sr.No. 15341
+1 cc to The Government Pleader Sr.No. 15205

W.P.No.5695 of 2021

PL(CO)
RMP(18/03/2021)



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