

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.1793/2021 & WMP.Nos.2005, 2008 & 2010/2021

[Video Conferencing]

1.Mrs.Maina Devi
2.M/s.Subhash Chand Jain HUF
rep.by its Kartha Subhash Chand Jain ... Petitioners

Versus

1.Chennai Metropolitan Development Authority,
represented by its Member Secretary
No.8, Gandhi Irwin Road, Egmore,
Chennai 600 008.

2.The Greater Chennai Corporation
represented by its Commissioner
Having Office at, Rippon Buildings
Chennai 600 003.

3.The Regional Deputy Commisioner [North]
The Greater Chennai Corporation
Having Office at No.61, Basin Bridge Road
Chennai 600 021.

4.The Tamilnadu Generation and Distribution
Cooperation [TANGEDCO], represented by

its Chairman cum Managing Director,
Having office at 10th Floor, NPKRR Maaligai
144, Anna Salai, Chennai 600 002.

5.The Superintending Engineer/Central Chennai
MGR Salai/110KV/33KV/11KV, TANGEDCO
Having office at Valluvar Kottam SS Campus
Nungambakkam, Chennai 600 034.

6.Chennai Metropolitan Water Supply & Sewerage Board
represented by its Managing Director,
Having Officer at Chindatripet, Chennai 600 002.

7.The Superintending Engineer [North East]
Area-V, No.1, Pumping Station Road
Having Office at Chindatripet, Chennai 600 002.

8.Mr.S.Suresh Kumar .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 7 to forth with take appropriate action to demolish the illegal construction that is being put by the 8th respondent herein in Door No.3 [Old Door No.2] Badriah Garden Street, Sowcarpet, Park Town, Chennai 600 003.

For Petitioners : Mr.M.V.Seshachari

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

For RR2&3 : Mr.K.Raja Srinivas
Standing Counsel

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.P.S.Ganesh, learned Standing counsel accepts notice on behalf of the 1st respondent and Mr.K.Raja Srinivas, learned Standing counsel accepts notice on behalf of respondents 2 and 3.
- (3) The petitioners claim to be the joint owners of the land admeasuring to an extent of 3254.37 sq.ft., along with a superstructure bearing Door No.81, NSC Bose Road and No.7A, New Door No.1, Badriah Garden Street, Park Town, Chennai 600 003, comprised in S.No.8736 vide registered Sale Deed bearing Doc.No.290 of 2008 dated 12.03.2008 registered on the file of the office of the Sub Registrar, Sowcarpet.
- (4) The learned counsel for the petitioners would submit that the 8th respondent, on the Southern side of the property owned by the petitioners, is the owner in respect of the said property bearing Door No.3, Old No.2, Badriah Garden Street, Sowcarpet, comprised in Old S.No.1465/1466, Re-survey No.8733/1, admeasuring to an extent of 1840 sq.ft. The 8th respondent has obtained planning permission for

demolition and reconstruction of a commercial office building in the said Door number and deviation of the said sanctioned plan, started putting up the construction. The petitioners, in this regard, has also submitted representation, based on which, the Assistant Engineer, Division-57, the Assistant Executive Engineer – Unit 13 and the Executive Engineer, Zone-V, of the Greater Chennai Corporation, had issued the Locking and Sealing and Demolition Notice dated 21.08.2020 under section 57 read with Section 85 of the Town and Country Planning Act, 1971, pointing out the following deviations:-

S.No	Description	As per approved Plan	As on Site	Deviation
1	Front Setback	1.50	0.00	1.50
2	Rear Setack	1.01	0.60	0.41
3	Total area of building	280.21	467.61	187.40
4	Height	8.74	9.10	0.36
5	Area at Ground floor	33.01	140.47	107.46
6	Area at 1 st floor	139.51	163.57	24.04
7	Area at 2 nd floor	107.67	163.57	55.90
8	Floor space Index	1.65	2.76	1.11

(5)The learned counsel for the petitioners would submit that despite a lapse of nearly four months and odd, no action has been taken and in this regard, the petitioners had also submitted a representation dated

16.12.2020 to respondents 1, 2,4 and 6 respectively and despite receipt and acknowledgment, no action has been taken and therefore, the petitioners are constrained to approach this Court by filing this writ petition.

(6)Mr.K.Raja Srinivas, learned Standing counsel appearing for respondents 2 and 3 would submit that challenging the Locking, Sealing and Demolition Notice dated 21.08.2020, the 8th respondent has filed a special revision/appeal u/s.80A of the Town and Country Planning Act, 1971, before the Secretary, Housing and Urban Development Department of the Government of Tamil Nadu, Secretariat, Chennai-9 and also given an undertaking to set right the deviations in accordance with the sanctioned plan and the response would be sent to the representation dated 16.12.2020 submitted by the petitioner.

(7)This Court has considered the rival submissions and also perused the materials placed before it.

(8)Though the petitioners pray 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 petitioners, either in their representation or in this writ petition, directs the **Executive Engineer, Greater**

Chennai Corporation, Zone-V, NO.61, Basin Bridge Road, Chennai 600 021, to send his response/reply to the petitioners' representation dated 16.12.2020 with a copy marked to the 8th respondent within a period of three weeks from the date of receipt of a copy of this order /uploading of the order in the website.

(9)It is also open to the Executive Engineer, Zone-5, to cause inspection of the petitioners' premises at Door No.81, NSC Bose Road and No.7A, New Door No.1, Badriah Garden Street, Park Town, Chennai 600 003, as well as the premises at No.10/6, Angadi Street, V.P.Colony, Ayanavaram, Chennai 600 023 and if the result of the inspection reveals any infraction/violation, appropriate action may also be initiated in accordance with law, by also adhering to the principles of natural justice.

(10)In the result, the writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

[MSNJ] [AANJ]

01.02.2021

AP

Internet:Yes

To

- 1.Member Secretary
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road, Egmore,
Chennai 600 008.
- 2.The Commissioner
The Greater Chennai Corporation
Having Office at, Rippon Buildings
Chennai 600 003.
- 3.The Regional Deputy Commissioner [North]
The Greater Chennai Corporation
Having Office at No.61, Basin Bridge Road
Chennai 600 021.
- 4.The Chairman cum Managing Director,
Tamilnadu Generation and Distribution
Cooperation [TANGEDCO],
Having office at 10th Floor, NPKRR Maaligai
144, Anna Salai, Chennai 600 002.
- 5.The Superintending Engineer/Central Chennai
MGR Salai/110KV/33KV/11KV, TANGEDCO
Having office at Valluvar Kottam SS Campus
Nungambakkam, Chennai 600 034.
- 6.Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board
Having Officer at Chindatripet, Chennai 600 002.
- 7.The Superintending Engineer [North East]
Area-V, No.1, Pumping Station Road
Having Office at Chindatripet, Chennai 600 002.

COPY TO:- [1]The Executive Engineer, Greater Chennai Corporation,
Zone-V, NO.61, Basin Bridge Road, Chennai 600 021.

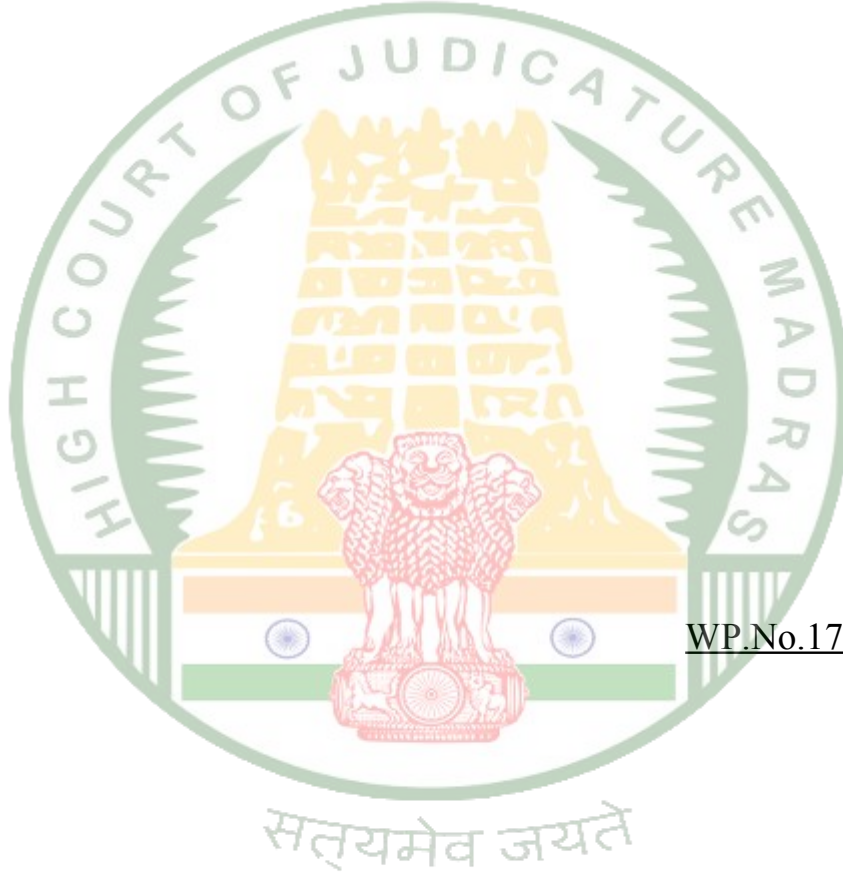
[2]Mr.S.Suresh Kumar, S/o.Mr.Sajjanraj Jain, No.2/3,
Badriah Garden Street, Sowcarpet, Park Town, Chennai 600 003.

M.SATHYANARAYANAN, J.,

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