

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.13491 of 2021

K.R.Veeramani

... Petitioner

Vs.

- 1.The Commissioner,
The Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
- 2.The Deputy Commissioner (Works),
The Greater Chennai Corporationn,
Rippon Building, Chennai 600 003.
- 3.The Executive Engineer,
Zone-4, The Greater Chennai Corporation,
Tondiarpet, Chennai 600 081.
- 4.The Assistant Engineer,
Division - 041, Tondiarpet,
Chennai 600 081.

5.Senthil Kumar

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1 to 4 respondents to lock and seal and demolish the unauthorized building of the 5th respondent based on the petitioner's representation dated 03.03.2020.

For Petitioner : Ms.Sharmila
for Mr.B.Bharath

For Respondents : Mrs.Karthikaa Ashok
Stdg. Counsel for RR 1 to 4

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of unauthorised construction by the fifth respondent in a property situated in Division 41 of Zone-4 of the Greater Chennai Corporation. The petitioner states that the official respondents were informed by the petitioner about such unauthorised construction by the fifth respondent. In response, a stop work notice was issued on 13.12.2019 and subsequently, a lock and seal notice was issued on 23.01.2020. However, no further action was taken against such unauthorised construction inspite of the petitioner's representation dated 03.03.2020.

2. Mrs.Karthikaa Ashok, learned standing counsel, accepts notice for respondents 1 to 4 and states that appropriate action would be taken in terms of the Tamil Nadu Town and Country Planning Act, 1971 (the Town and Country Planning Act), but states that the Greater Chennai Corporation did not receive the representation dated 03.03.2020.

3. Accordingly, without going into the merits of the matter, the petitioner is granted leave to submit a fresh representation to the third respondent within two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the third respondent is directed to consider such representation and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the fifth respondent within a period of eight weeks from the date of receipt thereof. In case the official respondents conclude that there is indeed an unauthorised construction, the official respondents shall take further action in accordance with the Town and Country Planning Act, after providing a reasonable opportunity to the private respondent. In view of the fact that the merits of the matter have not been examined and on account of the nature of the order, the writ petition is being disposed of without notice to the private respondent.

4. Any action under the Town and Country Planning Act against the property such as locking and sealing or demolition shall be taken after 15.07.2021 in view of the orders passed by this Court restraining such action on account of the Covid-19 pandemic and the associated lockdown.

W.P.No.13491 of 2021 is disposed of in these terms without any order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To:

- 1.The Commissioner,
The Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
- 2.The Deputy Commissioner (Works),
The Greater Chennai Corporationn,
Rippon Building, Chennai 600 003.
- 3.The Executive Engineer,
Zone-4, The Greater Chennai Corporation,
Tondiarpet, Chennai 600 081.
- 4.The Assistant Engineer,
Division - 041, Tondiarpet,
Chennai 600 081.

+lcc to Mr.B.Bharath, Advocate Sr.30297
+lcc to M/s.Karthikaa Ashok, Advocate Sr.30533

सत्यमेव जयते

W.P.No.13491 of 2021

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srg 02/07/2021

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