

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.4563 of 2020

S.B.Gandhi

.. Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai.

2.The Executive Officer,
Vanagaram First Grade Panchayat,
Vanagaram, Chennai - 600 095.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to take action on petitioner's representation dated 09.09.2019 by removing the illegal and unauthorised construction put up at Plot No.56, 3rd street, Rajaas Garden, Vanagaram, Chennai - 600 095.

For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.Thiruvengadam
Standing Counsel
for respondent No.1

: Mr.D.Suriyanarayanan
for respondent No.2

ORDER

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

The petitioner complains about the unauthorised construction at Plot No.56, 3rd Street, Rajaas Garden, Vanagaram, Chennai-600 095.

2. It is asserted that 3rd Street, Rajaas Garden at Vanagaram is a street with 24 foot width. Consequently, as per applicable planning rules, the height of construction cannot exceed ground plus two floors. The petitioner asserts that a construction of three floors has been erected with six flats. It is further asserted that no permission was granted for constructing a third floor, whereas the builder has constructed up to 2000 square feet without any authorization. The petitioner further asserts that a representation was sent to the respondents herein on September 9, 2019, but no action has been taken thereon.

3. Without going into the merits of the matter, the petitioner is permitted to submit a fresh representation to respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to examine such representation and dispose of the same by a reasoned order after providing a reasonable opportunity to all affected parties, including the owner of the property, which is said to be in violation. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of the representation from the petitioner.

4. W.P.No.4563 of 2020 is disposed of on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

bbr
To:

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai.

2.The Executive Officer,
Vanagaram First Grade Panchayat,
Vanagaram, Chennai - 600 095.

W.P.No.4563 of 2020

PL(CO)
KKN 22.04.2021