

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7103 of 2021

and

WMP No.7625 of 2021

E.Palani

... Petitioner in Person

Vs.

- 1.Government of Tamil Nadu
Rep. By its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai - 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.2, Gandhi Irwin Road,
Thalamuthu Natarajan Maligai.
Egmore, Chennai - 600 008.
- 3.The Commissioner
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
- 4.The Tahsildar
Tahsildar Office,
Purasauwakkam, Periamedu,
Chennai.
- 5.The Administrative Director,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
- 6.The Administrative Director,
Chennai Water and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.

7.The Regional Deputy Commissioner
Chennai Corporation - Zone -V,
No.61, Basin Bridge Road,
Chennai - 600 021.

8.The District Revenue Officer,
Chennai Corporation - Zone -V,
No.61, Basin Bridge Road,
Chennai - 600 021.

9.The Zonal Officer
Chennai Corporation - Zone -V,
No.61, Basin Bridge Road,
Chennai - 600 021.

10.The Executive Engineer,
Chennai Corporation - Zone -V,
No.61, Basin Bridge Road,
Chennai - 600 021.

11.T.Baskar

12.Balachandar ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents, in particular the 3rd Respondent to initiate action on the Petitioner's representation dated 30.10.2020 to demolish the unauthorised construction of the buildings situated at No.34/36, Perumal Mudali Street, Kondithoppu, Chennai - 600 079 comprised in Ward No.61, Zone - V of Greater Chennai Corporation consists of Ground, First and Second floors owned by T.Baskar (11th Respondent) and constructed with Ground, First, Second, Third and Fourth Floors owned by Balachandar (12th Respondent) situated at No.27/14, Muniappa Mudali Street, Kondithoppu, Chennai - 600 079.

For Petitioner : Mr.E.Palani

For Respondents: Mrs.Karthikaa Ashok
Standing Counsel for R3, 7 to 10

Mr.K.S.Suresh,
Government Advocate for R1 and R4

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of illegal constructions by respondents 11 and 12 herein on two different streets in Kondithoppu, Chennai-600 079.

2. The petitioner asserts that respondents 11 and 12 have constructed buildings without obtaining either a plan sanction or a building permit. It is further asserted that previous proceedings were instituted in this regard and that the Greater Chennai Corporation initiated action but did not follow through on the same.

3. Mrs.Karthikaa Ashok, learned standing counsel for the Greater Chennai Corporation accepts notice on behalf of respondents 3,7 to 10. She submits that proceedings have been initiated in terms of Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act and that such proceedings would be carried forward and concluded after the election. She also states that the representation of the petitioner would be considered and disposed of within a reasonable time-limit.

4. In view of the aforesaid submission, without examining the merits of the representation dated 30.10.2020, the Greater Chennai Corporation is directed to consider such representation and dispose of the same by a speaking order within a period of eight weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to all affected parties. In view of the fact that the merits of the matter have not been adjudicated upon and because the Greater Chennai Corporation has been directed to hear respondents 11 and 12 before taking action, the writ petition is being disposed of without notice to respondents 11 and 12.

5. W.P.No.7103 of 2021 is disposed on the above terms. Consequently, WMP.No.7625 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Secretary to Government,
Government of Tamil Nadu
Housing & Urban Development Department,
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- 2.The Member Secretary,
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10.The Executive Engineer,
Chennai Corporation - Zone -V,
No.61, Basin Bridge Road,
Chennai - 600 021.

+1cc to Mrs.Karthikaa Ashok, Advocate Sr.18347
+2cc to Mr.E.Palani, Party in Person, Advocate Sr.18476
+1cc to M/s.P.Veena Suresh, Advocate Sr.17832
+1cc to the Government pleader Sr.18421

W.P.No.7103 of 2021

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srg 31/03/2021



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