

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

AND

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No. 9402 of 2021

&

W.M.P. No. 9993 of 2021

Mr.D. Varadhan

..Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.
2. The Executive Engineer – Zone VIII,
Corporation of Chennai,
No.36A, 2nd Cross Street,
Pulla Avenue, Chennai – 600 030.
3. The Asst. Executive Engineer
Unit No.22,
Corporation of Chennai,
No.36A, 2nd Cross Street,
Pulla Avenue, Chennai – 600 030.
4. The Asst. Engineer,
Corporation of Chennai,

Division No. 105,
Kannagi Street, Arumbakkam,
Chennai – 600 106.

5. The Secretary,
Govt. Of Tamil Nadu,
Housing and Urban Development Dept.,
Fort St. George, Chennai.

(R5 suo motu impleaded by Court by order
dated 21.04.2021)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue
of a Writ of Certiorari to call for the records relating to the impugned notice dated
20.03.2021 issued by respondents 2 to 4 and to quash the same.

For Petitioner :: Mr.S. Rajendran

For Respondents :: Mr. Raja Srinivas for R1 to R4
Mr.S. Kamalesh Kannan,
Govt. Advocate for R5

ORDER

(Order of the Court was made by N. KIRUBAKARAN,J.)

The matter is heard through videoconferencing.

2. The impugned order has been passed pursuant to the direction given by
this Court in W.P. No. 990 of 2021 dated 20.01.2021 filed by the petitioner. Though
the petitioner had filed the said writ petition to take action against his neighbours,

this Court directed the authorities to inspect and find out whether any unauthorised/deviated construction had been put up by the neighbours as well as by the petitioner. Paragraph No. 7 of the order is extracted as follows:

"7. This Court, taking into consideration the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in his online complaint or in his representation, directs the respondents 3 and 4 to cause inspection of the alleged ongoing construction being put up by the respondents 5 and 6, after putting them on notice, and similar exercise may also be carried out in respect of the premises of the petitioner, and if the results of the inspection reveals any unauthorised/deviation construction, necessary and appropriate action shall be taken in accordance with law, also by adhering to the principles of natural justice, and the said exercise is to be completed within a period of ten weeks from the date of receipt of a copy of this order/uploading of this order in the website, and the decision taken in this regard shall also be informed to the petitioner as well as to the respondents 5 and 6."

Pursuant to the above order only, the impugned order has been passed.

3. Heard the learned counsel on either side.

4. Since the petitioner's property is a dwelling house and he has got remedy by way of an appeal as against the impugned order under Section 80A of Tamil Nadu Town and Country Planning Act, 1971, it is appropriate to grant 30 days time so as

to enable the petitioner to file an appeal. The authority before whom the appeal has to be preferred is the **Secretary, Government of Tamil Nadu, Housing and Urban Development Department, Fort St. George, Chennai and the said authority is suo motu impleaded by this Court as a party respondent.** Mr.S. Kamalesh Kannan, learned Government Advocate takes notice on behalf of the newly impleaded 5th respondent.

5. Accordingly, the writ petition is disposed of granting 30 days time from the date of receipt of a copy of this order to the petitioner to prefer an appeal to the newly impleaded 5th respondent challenging the impugned order. No costs. Connected W.M.P. is closed.

nv

21.04.2021

(N.K.K.J.) (T.V.T.S.J.)

To

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N. KIRUBAKARAN,J.

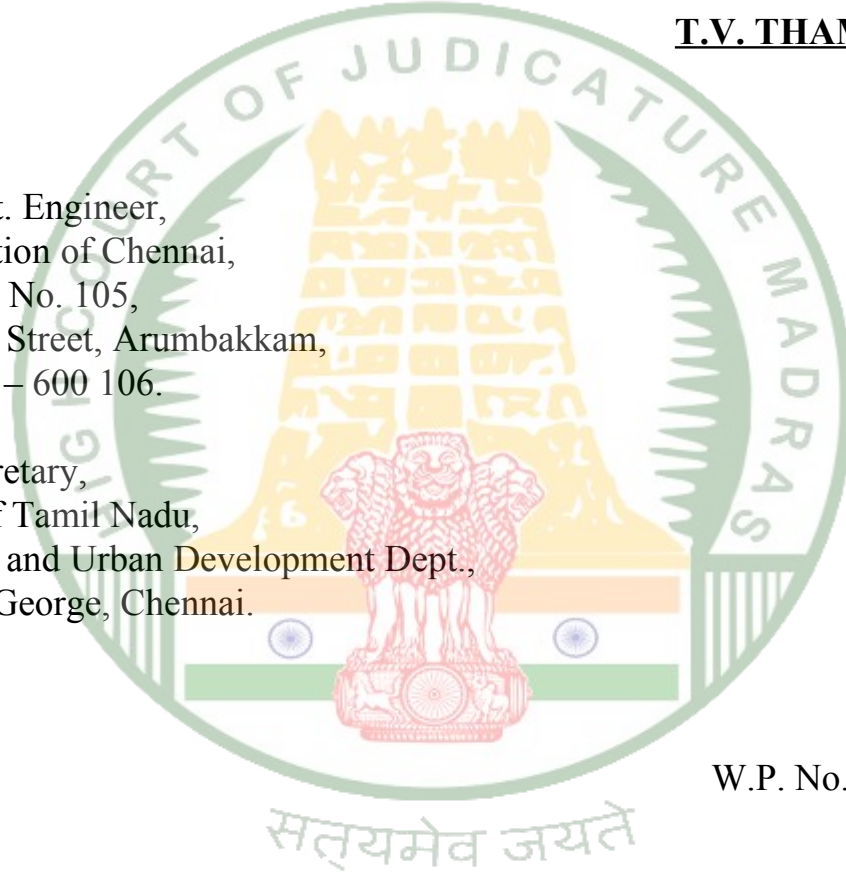
AND

T.V. THAMILSELVI,J.

nv

4. The Asst. Engineer,
Corporation of Chennai,
Division No. 105,
Kannagi Street, Arumbakkam,
Chennai – 600 106.

5. The Secretary,
Govt. Of Tamil Nadu,
Housing and Urban Development Dept.,
Fort St. George, Chennai.



W.P. No. 9402 of 2021

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