



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14922 of 2021

M.Ramu

.. Petitioner

Vs

1. The Principal Secretary,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Member-Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
3. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.
4. The Executive Engineer (Enforcement),
Zone-VIII, Corporation of Chennai,
No.36B/12B, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

5.Arun Kumar Jain

6.Suresh Kumar Bardia

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents, particularly the respondents 3 and 4 to take necessary action against the 5th and 6th respondents for violating rules and deviation in the construction of the building at No.9(5), Mandapam Road, Kilpauk, Chennai - 600 010 without following the rules and regulations as formulated by the respondents 1 and 4 on the basis of the petitioner's representations dated 25.01.2021 and 08.02.2021.



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For Petitioner : Mr.R.Thanjan

For Respondents : Mr.P.Muthukumar
Counsel for the State
for 1st respondent

: Ms.Karthika Ashok
Sr.Standing Counsel (Corpn.)
for respondents 3 and 4

ORDER

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

The petitioner alleges that the fifth and sixth respondents have constructed a building at No.9(5), Mandapam Road, Kilpauk, Chennai-600 010 without following the extant rules.

2. The petitioner states that the fifth and sixth respondents have constructed a building with ground plus three floors without obtaining the requisite plan sanction and building approval from respondents 2 to 4. It is further alleged that the fifth and sixth respondents have also encroached into the road to an extent about 10.5 square metres. In spite of issuing multiple representations in this regard, it is stated that the petitioner was informed by the second respondent that action would have to be taken by the third and fourth respondents because the second respondent has not granted a plan sanction for such construction. The present writ petition is filed in the aforesaid facts and circumstances.

3. Ms.Karthika Ashok, learned Standing Counsel for the Greater Chennai Corporation, accepts notice on behalf of the third and fourth respondents and states that action has already been initiated under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. She further states that the fourth respondent would consider and dispose of the petitioner's representation within a reasonable time frame.

4. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of the first respondent.

5. In the aforesaid facts and circumstances, without going into the merits of the matter, the fourth respondent is directed to consider the petitioner's representation dated 08.02.2021 and dispose of the same by a reasoned order within a period of eight weeks from the date of receipt of a copy of this order after providing a reasonable opportunity both to the petitioner and to



the fifth and sixth respondents herein. In case the Greater Chennai Corporation finds that there is indeed a violation of applicable law, the authorities concerned shall take appropriate action in accordance with law. On account of the fact that the fourth respondent has been directed to hear the fifth and sixth respondents before taking a decision, the writ petition is disposed of without notice to the private respondents.

6. W.P.No.14922 of 2021 is disposed of on these terms. There will be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The Principal Secretary,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Member-Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
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No.36B/12B, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

+1cc to Mr.R.Thanjan, Advocate, S.R.No.34445
+1cc to the Government Pleader, S.R.No.34931

W.P.No.14922 of 2021

MG(CO)
CT/26/07/2021