



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 14583 of 2021
and
W.M.P. No. 15477 of 2021

Mr.Shanmugam

... Petitioner

Vs.

1.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.

2.The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.

3.The Assistant Engineer
Corporation of Chennai
Ward No.133, Division 10
Postal Colony, West Mambalam
Chennai - 600 003.

4.The Secretary
Housing and Urban Development Department
Fort St. George
Chennai - 600 009.

5.Mr. V.C.Thangamagan @ M.C.Kalaithangam

... Respondents

PRAYER : Petition filed under Section Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Respondents 1 to 3 to demolish the illegal construction of the First and Second Floor in the property bearing D. No. 57, Muthuvel Naicker Street, Dr. Ragavan Colony, Vadapalani, Chennai - 600 026.



WEB COPY

For Petitioner : Mr.S.Sampath
For Respondents : Mrs.R.Anitha (For R4)
State Government Counsel
Mr.Karthik Rajan (For R1)
Mr.K.Raja Srinivas (For R2 & R3)
Mr.V.Manohar (For R5)

ORDER

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

The matter was heard through ''Video Conference''.

2. The Petitioner has come before this Court for a direction directing Respondent Nos. 1 to 3 to demolish illegal constructions of I and II Floor of the building bearing Door No. 57, Muthuvel Naicker Street, Dr. Ragavan Colony, Vadapalani, Chennai - 600 026.

3. When the matter is called today, it is represented by Mr. K.Raja Srinivas, Learned Standing Counsel appearing for the Second and Third Respondent that the subject property has been sealed issuing Locking and Sealing notice on 30.07.2021 by the Corporation Officials.

4. Mr.V.Manohar, Learned Counsel appearing for the Fifth Respondent submits that the entire family of the Fifth Respondent has been thrown out of the subject property and they are staying at different places for the past four days, including a pregnant lady. Therefore, he seeks permission to re-open the Ground Floor of the subject property alone and permit the Private Respondent family to stay in the Ground Floor of the subject property.

5. Mr.S.Sampath, Learned Counsel for the Petitioner also agrees to the suggestion made by the Learned Counsel appearing for the Fifth Respondent.

6. In view of that, Corporation Officials are directed to re-open the Ground Floor of the subject property alone and permit the Private Respondent's family to occupy the same, till the disposal of the Appeal filed by the Private Respondent. Corporation Officials shall also permit the Private Respondent's family to only remove articles kept by them in the First and Second Floors for a period of 10 days alone, and again the First and Second Floors shall be resealed immediately by the Corporation Officials.

7. Since it is represented that an Appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 is pending



WEB COPY

before the Fourth Respondent, this Court directs the Fourth Respondent to dispose of the appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, within a period of three months from the date of receipt of a copy of this order, after hearing the Parties.

8. Recording the submissions made and with the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Maya

To

1.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.

2.The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.

3.The Assistant Engineer
Corporation of Chennai
Ward No.133, Division 10
Postal Colony, West Mambalam
Chennai - 600 003.

4.The Secretary
Housing and Urban Development Department
Fort St. George
Chennai - 600 009.

+1cc to Mr.M.S.Sampath, Advocate Sr No.38118
+2ccs to Mr.V.Manohar, Advocate Sr No.38147
+1cc to Government Pleader Sr No.38801
+1cc to Mr.Karthik Rajan, Advocate Sr No.38277
+1cc to Mr.K.Rajashrinivas, Advocate Sr No.38913

W.P. No. 14583 of 2021

PL (CO)
PR (01/09/2021)