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W.P.No.16894 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.16894 of 2021
and W.M.P.No.17877 of 2021

R.Ramasubramani
S/o L.R.Raja
Represented by its Power Agent
S.V.Ravichandran

... Petitioner

-VS-

1.The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai – 600 003.

2.The Zonal Officer
Zone-XIII
Greater Chennai Corporation
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai – 600 020.

3.The Executive Engineer
Zone-XIII
Greater Chennai Corporation
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai – 600 020.



W.P.No.16894 of 2021

4.The Assistant Executive Engineer
Zone-XIII
Greater Chennai Corporation
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai – 600 020.

5.Sudha Shivshankar Lakshmanan

6.Padmini Ganesan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the official respondents herein to take appropriate action on the unauthorized/illegal constructions made by the 5th and 6th respondents in the property bearing Plot No.119 and Plot No.120, S.No.317/1, Extract from Town Survey Land Register T.S.No.1, Old Survey No.317/1A1A1A1A Part, Block no.189, Bhuvaneswari Nagar 1st Main Road, Velachery, Chennai – 600 042, under the provisions of the Tamilnadu Town and Country Planning Act.

For petitioner : Mr.P.K.Ganesh

For respondents : Mr.K.Raja Srinivas,
Senior Standing Counsel
For RR1 to 4

Mr. Suhrith Parthasarathy
For R5
Ms. S.R.Sumathy
For R6



W.P.No.16894 of 2021

WEB COPY

ORDER

(Order of the Court was made by **K.KALYANASUNDARAM, J.,**)

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the official respondents herein to take appropriate action on the unauthorized/illegal constructions made by the 5th and 6th respondents in the property bearing Plot No.119 and Plot No.120, S.No.317/1, Extract from Town Survey Land Register T.S.No.1, Old Survey No.317/1A1A1A1A Part, Block no.189, Bhuvaneswari Nagar 1st Main Road, Velachery, Chennai – 600 042.

2.Mr.K.Raja Srinivas, learned Senior Standing Counsel appearing for the respondents 1 to 4 would state that the respondents 1 to 4 have already issued lock and seal notice to the respondents 5 and 6 on 25.02.2021 based on the representation of the petitioner and hence, the Writ Petition has become infructuous.

3.The learned counsel for the petitioner would state that there is no approved plan for the construction put up by the respondents 5 and 6 in the above property.



W.P.No.16894 of 2021

WEB COPY

4.The learned counsel for the 5th respondent would state that the lock and seal notice issued by the official respondents was challenged in W.P.No.19780 of 2021 and the same has been disposed of by this Division Bench on 20.09.2021 and in pursuant to the said order, the 5th respondent has filed an appeal before the Government.

5.The learned counsel for the 6th respondent would state that the 6th respondent started construction at Plot No.120, Block no.189, Bhuvaneswari Nagar 1st Main Road, Velachery, Chennai – 600 042, and there is no violation in constructing the building.

6.Inasmuch as the official respondents have already initiated proceedings against the respondents 5 and 6, pursuant to the representation made by the petitioner and an appeal has been preferred by the 5th respondent before the Government, nothing survives for adjudication in this Writ Petition.



W.P.No.16894 of 2021

7. Accordingly, this Writ Petition is dismissed as having become infructuous. No costs. Consequently connected miscellaneous petition is closed.

(M.K.K.S.J.,) (V.S.G.J.,)
24.09.2021

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To

1. The Commissioner
Greater Chennai Corporation
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Chennai – 600 003.

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Zone-XIII
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W.P.No.16894 of 2021

K.KALYANASUNDARAM, J.
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**W.P.No.16894 of 2021
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24.09.2021



W.P.No.16894 of 2021

WEB COPY

W.P.No.16894 of 2021

K.KALYANASUNDARAM, J.
and
V.SIVAGNANAM, J.

At the instance of the learned counsel for the respondents 5 and 6, this matter is posted today under the caption for 'Being Mentioned'.

2.According to the learned counsel, when the writ petition was disposed of, the respondents 5 and 6 were in the process of filing an appeal under Section 80(A) of Tamil Nadu Town and Country Planning Act before the Government. But in paragraphs 4 and 6 of the order dated 24.09.2021, it is stated as if appeal has been filed.

3.In view of the above submission, paragraphs 4 and 6 shall stand substitute as under:-

“4.The learned counsel for the 5th respondent



W.P.No.16894 of 2021

would state that the lock and seal notice issued by the official respondents was challenged in W.P.No.19780 of 2021 and the same has been disposed of by this Division Bench on 20.09.2021 and in pursuant to the said order, the respondents 5 and 6 are in the process of filing an appeal under Section 80(A) of the Tamil Nadu Town and Country Planning Act before the Government.”

“6.Inasmuch as the official respondents have already initiated proceedings against the respondents 5 and 6, pursuant to the representation made by the petitioner and the respondents 5 and 6 are in the process of filing an appeal under Section 80(A) of the Tamil Nadu Town and Country Planning Act before the Government, nothing survives for adjudication in this Writ Petition.”

4.The Registry is directed to carry out the above said correction in paragraphs 4 and 6 of the order dated 24.09.2021 and issue fresh order copy.

[M.K.K.S.J]

[V.S.G.J]

11.11.2021

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W.P.No.16894 of 2021

K.KALYANASUNDARAM, J.
and
V.SIVAGNANAM, J

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W.P.No.16894 of 2021

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