



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 16586 of 2021 and
W.M.P.No.17570 of 2021

R.Karunanithi

Vs.

...Petitioner

1. The Commissioner,
Ambattur Corporation
Ambattur,
Chennai 600 053
2. The Assistant Executive Engineer,
Zone - 7 Ward No.79
Ambattur Corporation
Ambattur,
Chennai 600 053
3. The Assistant Engineer,
Zone - 7, Ward No.79,
Bank Street, Rakki Theatre Back side
Ambattur Corporation
Ambattur,
Chennai.
4. The Executive Engineer (O&M)
TANGEDCO
S.S.Complex, Ambit Park Road,
Near Industrial Estate Police Station,
Ambattur Industrial Estate,
Chennai 600 058.
5. The Assistant Executive Engineer (O&M)
TANGEDCO
Red Hills Road, Banu Nagar,
Pudhur,
Near N.K.Mahal, Ambattur
Chennai 600 053



6. The Assistant Engineer (O&M)
TANGEDCO
Bank Street, Rakki Theatre Back side
Ambattur Corporation
Ambattur,
Chennai.

7. S.Saravanamoorthy

8. Minor Kumaresan
S/o S.Saravanamoorthy Represented
by his legal guardian S.Saravanamoorthy

9. The Commissioner
Chennai Corporation
Ripon Buildings,
Chennai 600 003.

...Respondents

(R9 has been Suo motu impleaded vide order
dated 10.08.2021)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to remove the unauthorised construction of the commercial building in S.No.603/2A4A, Ambattur Village constructed by the respondents 4 and 5 based on the representation made by the petitioner dated 23.12.2020.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.P.Srinivas for R1 to R3
Mr.L.Jaivenkatesh for R4 to R6
Standing counsel
Ms.P.T.Ramadevi for R9
Standing counsel

O R D E R

This writ petition was filed for a direction to the Chennai Corporation to remove the unauthorised construction that was put up by the private respondents.

2.When the matter came up for hearing on 10.08.2021, this Court passed the following order:

"It is brought to the notice of this Court that, Ambattur Municipality got merged with the Chennai Corporation in the year 2011 and presently it comes within the jurisdiction of Chennai Corporation. In view of the same, the Commissioner, Chennai



Corporation, Ripon Buildings, Chennai - 600 003 is suo-motu impleaded as the 9th respondent in this writ petition.

2. Mr.P.Srinivas, learned Standing Counsel takes notice for Respondents 1 to 3. Mr.L.Jai Venkatesh, learned Standing Counsel takes notice for Respondents 4 to 6. Mrs.P.T.Ramadevi, learned Standing Counsel takes notices for the impleaded ninth respondent.

3. Learned counsel for the petitioner is directed to immediately serve the papers on the learned Standing Counsel appearing on behalf of the Chennai Corporation. The learned Standing Counsel appearing for the Chennai Corporation is directed to immediately take instructions as to whether the 7th and 8th respondents are proceeding to put up construction after getting proper sanction / approval from the concerned authority. In the absence of the same, action has to be taken in accordance with law. The same shall be reported before this Court during the next date of hearing. Post this case under the caption "For Admission" on 17.08.2021."

3. When the matter was taken up for hearing today, the learned standing counsel appearing on behalf of the Chennai Corporation submitted that the construction in question is an unauthorised construction and immediately on coming to know of the same, a stop work notice was issued on 13.09.2020. Thereafter, a lock and seal notice was issued on 11.11.2020 and the de-occupation notice was issued on 23.12.2020. The learned counsel further submitted that since the persons in occupation of the unauthorised construction did not de-occupy the premises, police protection was sought for to the Assistant Commissioner of Police on 26.07.2021 and it was informed to this Court that the Chennai Corporation will proceed further to act against the unauthorised construction with the help of the police.

4. The submission of the learned standing counsel appearing on behalf of the Chennai Corporation is recorded and the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

RR

