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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

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

W.P.NO.18388 OF 2021

M.Lalith Kumaar

... Petitioner

-vs-

1. The Government of Tamil Nadu,
Represented by the Principal Secretary,
Housing and urban Development,
Fort St. George,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natrajan Building,
Gandhi Irwin Road,
Egmore,
Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
4. Navaratanlunawath

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 2nd respondent, to consider the representation dated 19.07.2021 made by the petitioner and initiate action against the illegal constructions raised by the 4th respondent.

For Petitioner : Mr.Praveen Purohit



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For R1 : Mrs.Akhila Rajendran
Government Advocate

For R2 : Mr.P.S.Ganesh
Standing counsel

For R3 : Mr.K.Raja Shrinivas
Senior Standing counsel

ORDER

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

This writ petition has been filed seeking issuance of writ of Mandamus directing the 2nd respondent, to consider the representation dated 19.07.2021 made by the petitioner and initiate action against the illegal constructions raised by the 4th respondent.

2.The petitioner would state that he is the owner of the flat No.4 situated in Dev Darshan Apartments, Kilpauk, and the same was purchased on 23.04.2012. It is alleged that the 4th respondent had constructed 138 flats in 2 blocks. However, the planning permission was issued for construction of 126 flats and the remaining 12 flats are unauthorized construction. Hence, he made representation on 19.07.2021 for removal of unauthorized construction. But, no action was taken. Hence, the present Writ Petition.

3. Mr.P.S.Ganesh, learned Standing Counsel appearing for the 2nd respondent, would state that based on the representation of the petitioner, the 2nd respondent issued notice dated 02.09.2016 to the 4th respondent for production of the approved plan. Though, a reply was given on 11.09.2016 stating that these buildings were constructed in the year 1999, approved plan was not produced. It is further stated that the 2nd respondent is ready to take action in accordance with law for removal of the unauthorized construction. The statement of the learned Standing Counsel for the 2nd respondent is recorded. The 2nd respondent shall take further action for removal of encroachment in accordance with law, within a period of three months from the date of receipt of a copy of this order.



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4. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsn

To

1. The Principal Secretary,
The Government of Tamil Nadu,
Housing and urban Development,
Fort St. George,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natrajan Building,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

+1cc to Mr.P.S.Ganesh, Advocate, S.R.No.49218
+1cc to Mr.Govind Chandrasekhar, Advocate, S.R.No.49120
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.48700

W.P.NO.18388 OF 2021

NK(CO)
PBS/15/11/2021