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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.4210 OF 2022

AND

W.M.P.NO.4360 OF 2022

J.Balaji

... Petitioner

vs

1. The Executive Engineer,
Zone-15,
Greater Chennai Corporation,
Sholinganallur,
Chennai-600 119.
2. The Assistant Executive Engineer,
Zone-15, Unit-44,
Greater Chennai Corporation,
Sholinganallur,
Chennai-600 119.
3. The Assistant Engineer,
Division-196, V.O.C. Street,
Greater Chennai Corporation,
Injambakkam,
Chennai-600 115.
4. The Commissioner of Corporation,
Greater Chennai Corporation,
Ribbon Buildings,
Chennai-600 003.
5. The Additional Chief Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai 600 009.
6. Lalchand

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents 1 to 5 to consider the petitioner's online representation Number 2021-642 KNP dated 31.08.2021 and the petitioner's written representation dated 12.10.2021 expeditiously and consequently take appropriate remedial action against the deviation and unauthorised construction in the building erected by the sixth respondent at Plot No.32, 33, "B" Complex, Bharathaiar Street, Sri Narayanan Nagar, Vettuvankeni, Chennai 600 115 by ordering the demolition.

For Petitioner : Mr.PA.Kadirvel

For Respondents : Mr.K.Raja Shrinivas,
Standing Counsel
(Corporation of Chennai),
for R1 to R4

Mr.V.Manoharan,
Additional Government Pleader
for R5

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court for issuance of writ of Mandamus seeking a direction to respondents 1 to 5 to consider the petitioner's on line representation Number 2021-642 KNP dated 31.08.2021 and his written representation dated 12.10.2021 expeditiously and consequently take appropriate remedial action against the deviation and un-authorised construction in the building erected by the sixth respondent at Plot Nos.32 & 33, "B" Complex, Bharathaiar Street, Sri Narayanan Nagar, Vettuvankeni, Chennai 600 115.

2.Learned counsel appearing for the petitioner submitted that one Lalchand, who is the sixth respondent herein, is residing at Plot Nos.32 & 33, "B" Complex, Bharathaiar Street, Sri Narayanan Nagar, Vettuvankeni, Chennai 600 115 and the said "B" Complex is situated East by Plot No.31, West by Narayanan Street, South by Plot Nos.12 and 13. Since the sixth respondent has not constructed the above building as per building approved plan, the petitioner gave online representation to the Greater Chennai Corporation on 31.08.2021 to take legal action against him for constructing without following the proper plan and also to inspect the building for finding out the deviation in the



house. On 03.09.2021, the third respondent herein has given a reply to the petitioner stating that the above said building has already been inspected and after serving notice, they will give the plan copy and take necessary action. As the respondents did not take any proper action against the sixth respondent, the petitioner sent another representation dated 12.10.2021 to the respondents concerned. Since there was no response, the petitioner is before this Court.

3.Learned Standing Counsel appearing for respondents 1 to 4, placing on record an order copy dated 04.02.2022 passed by this Court in W.P. No.2004 of 2022 filed by the sixth respondent, submitted that the appeal filed by the sixth respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 is pending for consideration and therefore, they are awaiting for the order under Section 80-A of the Act.

4.Since this Court has also in similar issue, directed the first respondent therein to pass orders on the Appeal/Special Revision preferred by the sixth respondent under Section 80-A of the above Act, we are unable to entertain this petition, as the Appeal filed by the sixth respondent is pending for consideration before the Secretary to the Government, Housing and Urban Development Department, Chennai. Accordingly, this writ petition stands dismissed. Consequently, W.M.P. No.4360 of 2022 stands closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Executive Engineer,
Zone-15,
Greater Chennai Corporation,
Sholinganallur,
Chennai-600 119.
2. The Assistant Executive Engineer,
Zone-15, Unit-44,
Greater Chennai Corporation,
Sholinganallur,
Chennai-600 119.



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3. The Assistant Engineer,
Division-196, V.O.C. Street,
Greater Chennai Corporation,
Injambakkam,
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4. The Commissioner of Corporation,
Greater Chennai Corporation,
Ribbon Buildings,
Chennai-600 003.
5. The Additional Chief Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai 600 009.

+1cc to Mr.PA.Kadirvel, Advocate, S.R.No.13268

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.13912

+1cc to the Government Pleader, S.R.No.14116

W.P.No.4210 of 2022
and W.M.P.No.4360 of 2022

SPD(CO)
RLP(31/03/2022)