



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA  
AND  
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.11898 of 2022

P.Sridharan

.. Petitioner

-vs-

1.Chennai Metropolitan Development Authority,  
rep. by its Member Secretary,  
Thalamuthu Maligai Buildings,  
Egmore, Chennai-600 008.

2.The Commissioner,  
Greater Chennai Corporation,  
Chennai.

3.Zonal Executive Engineer (Zone-VIII),  
Door No.368, 2<sup>nd</sup> Cross Street,  
Pulla Avenue, Shenoy Nagar,  
Chennai - 600 030.

4.A.P.Chelvam

5.P.Palani @ Palanikani

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to take necessary action based on the first respondents' letter dated 25.07.2020 in EC/N-1/3950/2020 and to fix the time limit to pass orders on the first respondent's letter and consequently demolish the illegal and un-authorised structure put up by the 4<sup>th</sup> and 5<sup>th</sup> respondents in the schedule property.

For Petitioner : Ms.Reshmi Christy

For respondents: Mr.R.Sivakumar,  
CMDA/Standing Counsel for R1

Mr.K.Raja Shrinivas for R2 and 3



## ORDER

(Order of the Court was made by T.RAJA, J.)

The petitioner has filed this writ petition seeking a direction to respondents 2 and 3 to take necessary action based on the first respondent's letter EC/N-1/3950/2020 dated 25.07.2020 and to fix the time limit to pass orders on the first respondent's letter and consequently demolish the illegal and un-authorised structure put up by respondents 4 and 5 in the schedule mentioned property.

2.Learned counsel for the petitioner submitted that respondents 4 and 5 got approval from the second respondent to construct stilt plus two floors, but, they have constructed 8 flats in two floors and one flat in the stilt, which is earmarked for car parking. Since it is a clear violation under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act 1971, the petitioner preferred a complaint to the Commissioner of Police, Chennai on 11.12.2012. Despite letter dated 25.07.2020 sent by the first respondent to respondents 2 and 3 to take necessary action against the un-authorised construction, no action has been taken against respondents 4 and 5 till now. Therefore, the petitioner is before this Court.

3.Mr.K.Raja Shrinivas, learned Standing Counsel appearing for the Greater Chennai Corporation submitted that pre-notice will be issued under Sections 56 and 57 of the Town and Country Planning Act giving 15 days time to respondents 4 and 5 to produce planning permission and action will be taken by respondents 2 and 3, after perusing the reply to be submitted by respondents 4 and 5.

4.Recording the submission made by the learned Standing Counsel appearing for the Greater Chennai Corporation that action will be taken on proper consideration of the reply to be submitted by respondents 4 and 5, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

vga



To

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Chennai - 600 030.

+1cc to Mr.R.Sivakumar, Advocate SR.No.32926

+1cc to Ms.Reshmi Christy, Advocate SR.No.33395

W.P.No.11898 of 2022

KJ(CO)  
GMY(23/06/2022)