

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM:

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

W.P.NO.10189 OF 2022
AND W.M.P.NO.9888 OF 2022

Lalith Singh

.. Petitioner

Vs.

1. The Member Secretary,
CMDA, Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.
2. Amita Keshav
3. Shruti Gehenwar
4. Shashwat
5. Vimal Varma
6. Harsha Muralidhar
7. Chetna Varma

.. Respondents

Prayer:

Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the first respondent to demolish and bring back the property bearing 5A & 5B of the 5th Floor in offending construction at New No.14, Old No.50, K.B.Dasan Road, Alwarpet, Chennai - 600 018, within the purview of the sanction limits so as to uphold the Rules and Regulations contemplated in respect of the property and its developments.

For Petitioner : Mr.V.Manohar

For Respondent 1 : Mrs.P.Veena Suresh
Standing Counsel for CMDA

O R D E R
(Order of the Court was made by T.RAJA, J.)

Mr.Lalith Singh, has filed this petition under Article 226 of the Constitution of India, seeking a direction to the first respondent to demolish and bring back the property bearing 5A & 5B of the 5th Floor in offending construction at New No.14, Old No.50, K.B.Dasan Road, Alwarpet, Chennai - 600 018, within the purview of the sanction limits so as to uphold the Rules and Regulations contemplated in respect of the property and its developments.

2. When the matter was taken up, Mrs.Veena Suresh, learned Standing Counsel appearing for the CMDA submitted that the respondents 3 and 4 have already applied for regularisation under Section 113-C of the Town and Country Planning Act, 1971 and the same is pending consideration.

3. The learned Standing Counsel appearing for the CMDA further submitted that in a similar case this Court by an order dated 01.10.2020, in W.P.No.13984 of 2020, has directed the C.M.D.A. to de-seal the premises until and unless the application filed by the owner of the building in question seeking regularisation is disposed of.

4. Since Ms.Shruti Gehenwar, the third respondent herein, has already filed the said writ petition in W.P.No.13984 of 2020 and obtained an order to de-seal her premises until the application filed by her seeking regularisation is disposed of under Section 113-C of the Town and Country Planning Act, 1971, the learned Standing Counsel for the CMDA submitted that they have already de-sealed the premises on 07.11.2020 as per the directions of this Court.

5. In view of the above, this writ petition is disposed of with a direction to the first respondent to dispose of the application filed under Section 113-C of the Town and Country Planning Act, 1971 as expeditious as possible. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kk

To

The Member Secretary,
CMDA, Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

+1cc to Mrs.P.Veena Suresh, Advocate, S.R.No.38103
+1cc to Mr.V.Manohar, Advocate, S.R.No.37273

W.P.No.10189 of 2022 and
W.M.P.No.9888 of 2022

AD(CO)
PM/15/07/2022