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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

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

W.P.NO.15497 OF 2022
AND
W.M.P.NOS.14664 & 14667 OF 2022

T.Kamalakannan

.. Petitioner

-vs-

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai - 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, EVR. Periyar Salai,
Park Town, Chennai - 600 003.
3. The Assistant Engineer,
Greater Chennai Corporation,
Ward No.30, Zone-III, 'F' Block, 3rd Street,
Thanikachalam Nagar,
Ponnammanmedu, Chennai - 600 110.
4. C.H.Bharathi
5. The Assistant Engineer, TNEB.,
O&M, Vadaperumbakkam-Madhavaram-II,
Chennai North Electricity Distribution,
Madhavaram Heavy Vehicles and MMBT Complex,
Madhavaram, Chennai-600 110.
6. The Assistant Engineer,
Chennai Metropolitan Water Supply and
Sewerage Board,
Ward No.30, Area III,
Perumal Koil Street,
Vinayakapuram, Madhavaram, Chennai-600 060.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to take legal action as per Section 49 of the Tamil Nadu Town and Country Planning Act, 1973 and amended Act and Section 256 of Chennai City Municipal Corporation Act, 1919 and amended Act for the un-authorised building under construction constructed by the fourth respondent flouting the building plan in respect of Plot No.13, North portion, Sasthri Nagar Annexure, Kolathur, Chennai-99.

For Petitioner :: Mr.J.R.K.Bhavanantham

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

Mr.K.Raja Shrinivas,
Standing Counsel for Corporation/
R2 and R3

Mr.L.Jai Venkatesh,
Standing Counsel for TNEB/R5

Mr.M.Vinoth for R6
Standing Counsel for CMWSSB/R6

ORDER

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

This writ petition has been filed by the petitioner seeking a direction to respondents 2 and 3 to take legal action as per Section 49 of the Tamil Nadu Town and Country Planning Act, 1973 and amended Act and Section 256 of Chennai City Municipal Corporation Act, 1919 and amended Act for the un-authorised building under construction constructed by the fourth respondent flouting the building plan in respect of Plot No.13, North portion, Sasthri Nagar Annexure, Kolathur, Chennai-99.

2.Mr.J.R.K.Bhavanantham, learned counsel appearing for the petitioner submitted that the mother of the fourth respondent was the owner of the vacant site lying on the eastern side of the petitioner's property and she had settled the vacant site on Eastern side in favour of her daughter, the fourth respondent herein in the year 2014. Despite complaint made by the petitioner, the fourth respondent had started construction on the site belonging to her, without leaving frontage and side set back portion and touching the eastern compound wall of the



petitioner's property. Learned counsel for the petitioner further submitted that the fourth respondent had also obtained temporary electricity for the purpose of carrying out the construction work and taken steps to obtain regular connection for water, electricity and sewerage from the competent authorities. Therefore, the petitioner is before this Court seeking the above relief.

3.Mr.K.Raja Shrinivas, learned Standing Counsel appearing for Corporation/R2 and R3, placing on record a copy of the lock and seal and demolition notice dated 18.05.2022, issued to the fourth respondent, submitted that since action has already been initiated by issuing the above notice to the fourth respondent, this writ petition may be closed.

4.Since lock and seal and demolition notice dated 18.05.2022 has already been issued giving 30 days time to the fourth respondent to produce the planning permission so as to verify the violations, if any made by him, we are inclined to dispose of this petition. Accordingly, this writ petition stands disposed of giving liberty to the Greater Chennai Corporation to proceed further in the manner known to law. Consequently, W.M.P. Nos.14664 and 14667 of 2022 are closed. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai - 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, EVR. Periyar Salai,
Park Town, Chennai - 600 003.
3. The Assistant Engineer,
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4. The Assistant Engineer, TNEB.,
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Chennai North Electricity Distribution,
Madhavaram Heavy Vehicles and MMBT Complex,
Madhavaram, Chennai-600 110.

5. The Assistant Engineer,
Chennai Metropolitan Water Supply and
Sewerage Board,
Ward No.30, Area III,
Perumal Koil Street,
Vinayakapuram,
Madhavaram, Chennai-600 060.

+1cc to M/s.J.R.K.Bhavanantham, Advocate, S.R.No.38534

+1cc to M/s.R.Sivakumar, Advocate, S.R.No.38510

+1cc to Mr.M.Vinoth, Advocate, S.R.No.38369

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.38073

W.P.No.15497 of 2022 and
W.M.P.Nos.14664 & 14667 of 2022

GPL (CO)
RLP (04/07/2022)