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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

W.P.NO.14102 OF 2021

AND

W.M.P.NOS.14979 OF 2021 & 26239 OF 2021

D.Rajasekaran

...Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
- 2.The Executive Engineer,
Zone No.VIII,
Corporation of Chennai,
I Block,
Anna Nagar,
Chennai - 600 040.
- 3.The Executive Engineer,
Chennai Metropolitan Water Supply
and Sewage Board, Zone No.VIII,
No.227, 2nd Avenue, 12th Main Road,
Anna Nagar, Chennai - 600 040.
- 4.The Executive Engineer,
Tamil Nadu Electricity Board,
Zone No.VIII, "H" Block, 5th Street,
11th Main Road,
Anna Nagar, Chennai - 600 040.

5.Kavitha

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to take action on the illegal construction being carried out by the 5th respondent on his property viz., Plot No.10, Thangam Colony 1st Street, Anna Nagar, Chennai - 600 040.



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For petitioner : Mr.S.Gopinathan
For respondents : Mr.R.Gopinath
Standing Counsel (for R1 & R2)
Mr.M.Vijayakumar
Standing Counsel (for R3)
Mr.L.Jaivenkatesh
Standing Counsel (for R4)
Mr.Balan Haridas (for R5)

ORDER

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

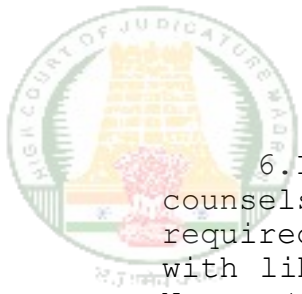
Heard Mr.S.Gopinathan, learned counsel appearing for the petitioner, Mr.R.Gopinath, learned Standing Counsel appearing for the respondents 1 and 2, Mr.M.Vijayakumar, learned Standing Counsel appearing for the third respondent, Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the fourth respondent and Mr.Balan Haridas, learned counsel appearing for the fifth respondent.

2.This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take action on the illegal construction being carried out by the 5th respondent on her property viz., Plot No.10, Thangam Colony 1st Street, Anna Nagar, Chennai - 600 040.

3.It is the case of the petitioner that the fifth respondent is his neighbour and she is now constructing a building in violation of the approved plan.

4.The learned Standing Counsel appearing for the respondents 1 and 2 Mr.R.Gopinath would submit that on receipt of the representation of the petitioner, the officials of the Greater Chennai Corporation inspected the property of the fifth respondent and they found some deviation and hence, lock and seal notice has been issued to the fifth respondent.

5.Per contra, the learned counsel appearing for the fifth respondent Mr.Balan Haridas would state that there is no deviation or violation in the building constructed by the fifth respondent. He would further submit that after receiving the lock and seal notice issued by the Corporation, the fifth respondent has preferred special revision under Section 80-A of the Tamil Nadu Town and Country Planning Act.



6. In the light of the above submissions of the learned counsels, we are of the opinion that no further adjudication is required in this matter. Hence, this writ petition is closed with liberty to move a fresh writ petition as and when required. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

skn

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The Executive Engineer,
Zone No. VIII,
Corporation of Chennai,
I Block, Anna Nagar,
Chennai - 600 040.
3. The Executive Engineer,
Chennai Metropolitan Water Supply
and Sewage Board, Zone No. VIII,
No. 227, 2nd Avenue, 12th Main Road,
Anna Nagar, Chennai - 600 040.
4. The Executive Engineer,
Tamil Nadu Electricity Board,
Zone No. VIII, "H" Block, 5th Street,
11th Main Road, Anna Nagar,
Chennai - 600 040.

+1cc to Mr. R. Gopinath, Advocate Sr. No. 3826
+1cc to Mr. S. Gopinathan, Advocate Sr. No. 3550
+1cc to M/s. M. Vijayakumar, Advocate Sr. No. 4221

W.P. No. 14102 of 2021
and
W.M.P. Nos. 14979 of 2021 & 26239 of 2021

PMK (CO)
RVM (17/02/2022)