



W.P.No.18272 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.18272 of 2022
and
W.M.P.No.17618 of 2022

M.Vijaybhasker

...Petitioner

Vs.

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Thalamuthu Natarajan Maligai,
Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai – 600 008.
- 2.The Member Secretary,
CMDA, Enforcement Cell,
No.1, Thalamuthu Natarajan Maligai,
Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai – 600 008.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.
- 4.Usha Sharma



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5.A.Roshan Aslam

(R5 – impleaded vide order dated 30.11.2022

in WMP.No.28157 of 2022 by RSMJ, KBJ)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 1 to 3 respondents to take appropriate action on the unauthorized construction based on the representation dated 21.03.2022.

For Petitioner : Mr.M.Sreedhar

For Respondent : Mr.J.Ravindran

Additional Advocate General assisted by

Mr.D.B.R.Prabhu for R3

Mr.C.N.Vinobha for R1 & R2

Mr.J.Balagopal for R4

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

This Writ Petition has been filed for a mandamus, directing the respondents 1 to 3 to take appropriate action on the unauthorized construction based on the representation dated 21.03.2022.



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2. During the course of hearing, taking into account the failure on the part of the Corporation to regulate construction of buildings in accordance with the sanctioned plans, we had required the Commissioner, Chennai Municipal Corporation to file an affidavit delianating the enforcement measures. Accordingly, the Commissioner, Chennai Municipal Corporation filed an affidavit along with orders passed by him, issuing directions to the Field Level Officers for regulating construction as and when there is a violation. It is also stated that weekly monitoring meetings are being held and as of today, the violations are being checked as and when they take place. We take the affidavit of the Commissioner on record.

3. As far as the present case is concerned, the regularization application filed by the 4th respondent is pending before the Government. As far as the petitioner is concerned, he has removed the encroachments in the ground floor and he has also vacated the tenant, who was using the ground floor for commercial purpose. Therefore, there is no deviation as of today in the ground floor. It is for the authorities to look into those aspects and take appropriate action.



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4. We have already passed detailed orders in the Writ Petition so, we close this Writ Petition, since we see no necessity for any further orders. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
30.11.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To:-

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R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

KKN

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