



W.P.No.28606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.28606 of 2022

A.Sahasranamam

.. Petitioner

Vs.

- 1.The Additional Chief Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Secretary,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 3.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
- 4.The Zonal Officer,
Zone – 8,
Greater Chennai Corporation,
No.13B/36B, Pulla Avenue,
Shenoy Nagar,
Chennai – 600 030.



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5.The Executive Engineer,
Zone – 8,
Greater Chennai Corporation,
No.13B/36B, Pulla Avenue,
Shenoy Nagar, Chennai – 600 030.

6.The Assistant Executive Engineer,
Unit 22, (Div 108),
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Greater Chennai Corporation.

7.The Junior Engineer, Division – 108,
Greater Chennai Corporation,
No.13, MGR Third Street,
MMDA Colony, Arumbakkam,
Chennai – 600 106.

8.Arumugam.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd respondent based on the representation dated 21st March 2022 and to take action against the 8th respondent premises Old No.20, New No.28, Third Street, Veerapandi Nagar, Choolaimedu, Chennai – 600 094 for violation and demolition of illegal unauthorised construction of building.

For Petitioner	: Mr.K.B.Gopi
For RR 1 & 2	: Mr.P.Gurunathan Additional Government Pleader
For RR 3 to 7	: Mr.D.B.R.Prabhu Standing Counsel
For R8	: No appearance



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ORDER

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(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the the 3rd respondent to take action against the 8th respondent premises at Old No.20, New No.28, Third Street, Veerapandi Nagar, Choolaimedu, Chennai – 600 094 for violation and demolition of illegal unauthorised construction of building based on his representation 21.03.2022.

2.Though the 8th respondent entered appearance through counsel, today when the matter is taken up for hearing, there is no representation for the 8th respondent.

3.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned Standing Counsel appearing for the respondents 3 to 7 and perused the entire materials on record.

4.According to the petitioner, he is the owner of the premises situate at Old No.21, New No.26, Third Street, Veerapandi Nagar,



Choolaimedu, Chennai – 600 094. The 8th respondent is owner of the adjacent property of the petitioner's property. The 8th respondent is constructing a house on the western side of the petitioner's house in violation of building rules and norms as prescribed in the Tamil Nadu Combined Development and Building Rules, 2019. In this regard, the petitioner on various dates sent various representation to the respondents for taking action to seal the premises of the 8th respondent. But, the Assistant Executive Engineer (AEE) – Unit 22, 6th respondent herein instead of inspecting the 8th respondent's property, inspected the property of the petitioner and issued notice dated 23.09.2021 to the petitioner under Section 56 of the Town and Country Planning Act, 1971, stating that the petitioner has constructed unauthorised building without any approved plan. The Corporation of Chennai issued notice to the 8th respondent during May and June 2021. The respondents did not take any action on the notices issued by them to 8th respondent for the violation committed by him. Further, the petitioner has sent a representation dated 21.03.2022 to the 3rd respondent. Since, the 3rd respondent has not taken any action against the 8th respondent, the petitioner has come out with the present Writ Petition.



5.Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the respondents 3 to 7 submitted that the 8th respondent has filed appeal under Section 80(A) of the Town and Country Planning Act, 1971 before the 2nd respondent on 20.09.2021 and the same is pending. In view of the same, the 3rd respondent could not proceed further.

6.Mr.P.Gurunathan, learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that the 2nd respondent will consider the appeal dated 20.09.2021 filed by the 8th respondent and pass orders within the time limit fixed by this Court.

7.Considering the above submissions, the 2nd respondent is directed to consider the appeal filed by the 8th respondent and pass orders on merits and in accordance with law after giving opportunity to the petitioner, respondents 3 to 7 and 8th respondent within a period of six weeks from the date of receipt of a copy of this order. The 3rd respondent is directed to consider the representation of the petitioner dated 21.03.2022 and pass orders depending upon the orders passed in the appeal filed by 8th respondent after giving opportunity to the petitioner within two weeks from the date of disposal of appeal filed by 8th respondent.



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8. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
13.12.2022

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Index : Yes / No

Internet : Yes / No

To

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