



W.P.No.17869 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

CORAM:

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

W.P.No.17869 of 2018
and
W.M.P.No. 21162 of 2018

1.G.Kumar

2.S.Ramanan

3.A.Bharanidharan

...Petitioners

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600008.

2.The Commissioner,
Pallavaram Municipality,
Pallavaram, Chrompet,
Chennai – 603 044.

3.M/s.Anjana Properties,
No.13/15, Third Main Road,
Jaganathapuram, Chennai – 600 042.



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4.M/s.Thirumeni Finance Pvt. Ltd.,
Stilt area, Plot No.10/14,
Aanjana Ganesha, Naidu Shop Road,
Radha Nagar, Chrompet, Chennai – 600 044.

5.The Commissioner,
Tambaram Municipal Corporation,
Dr.Ambedkar Salai, Brindavan Colony,
Pammal, Chennai – 600 075.
(R5 suo motu impleaded vide order dated
21.11.2022 by RSMJ, KBJ)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to take appropriate action including demolition of the unauthorized construction put up by the 3rd respondent and presently occupied by the 4th respondent in the stilt area of the apartment complex situated at Aanjana Ganesha, Plot No.10/14, Naidu Shop Road, Radha Nagar, Chrompet, Chennai- 600 044, within a time frame.

For Petitioners : Mr.G.Rajkumar

For Respondents : Mrs.P.Veena Suresh

Standing Counsel for R1

Mr.P.Srinivas for R2

R3 & R4 – served – No Appearance



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ORDER

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

It is the contention of the petitioner that the 3rd respondent, who had promoted the construction in agreement with the family of the petitioner has, in violation of the planning permission, converted a portion of the car park into commercial space and has let it out to the 4th respondent. Since the offending construction is in violation of the sanctioned plan, the petitioner seeks a mandamus, directing action against the same under the relevant provisions of the Tamil Nadu Town and Country Planning Act.

2.Heard Mr.G.Rajkumar, learned counsel for the petitioners, Mr.P.Srinivas, learned counsel for the 2nd and 5th respondents and Mrs.P.Veena Suresh, learned for the 1st respondent. Despite service, 3rd and 4th respondents are not appearing either in person or through counsel, duly instructed.

3.Considering the fact that a statutory duty is cast on the respondents 1 and 2 under the Town and Country Planning Act to take action and ensure compliance with the approved plan and the fact that



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notices have been issued by the 2nd respondent as early as in 2018, seeking

action under the relevant provisions of the District Municipalities Act, this

Writ Petition is disposed of with a direction to the respondents 1 and 5, the

5th respondent being the successor of the 2nd respondent, to take appropriate

action for removal of the offending construction and complete the same

within a period of 12 weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

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

21.11.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To:-

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- 3.The Commissioner,
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KKN

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