



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

W.P.No.21612 of 2021

J.Sridhar

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 3.
2. The Executive Engineer,
Zone No.7, Ambattur,
Corporation of Chennai.
3. The Assistant Executive Engineer,
Zone No.7, Ambattur,
Corporation of Chennai.
4. The Assistant Engineer,
Zone No.7, Ambattur,
Corporation of Chennai.
5. P.Velmurugan
6. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144 Anna Salai,
Chennai - 600 002.
(R6 suo motu impleaded vide order dated 06.10.2021
made in WP.No.21612 of 2021)

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take action in compliance of the order passed by the Additional Secretary (Technical), Housing and Urban Development Department, Secretariat, Chennai - 9 in order vide Letter No.2762/UD-VI/2021-2 dated 12.04.2021 to re-seal the house building constructed by the 5th respondent and to take further action in



accordance with law to demolish the authorised construction of house building by the 5th respondent in Door No.13, Gandhi Nagar Cross Street, Srinivasapuram, Korattur, Chennai - 76, situated within the limits of Zone No.7, Ambattur of Greater Chennai Corporation.

For petitioner : Mr.Kasirajan for
Mr.S.B.Viswanathan
For respondents : Mr.K.Raja Shrinivas
Senior Standing Counsel for R1 to R4
Mr.Mahaveer Shivaji for R5
Mr.L.Jaivenkatesh for R6

ORDER

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

The petitioner seeks a direction to the respondents 1 to 4 to take action in compliance of the order passed by the Additional Secretary (Technical), Housing and Urban Development Department, Secretariat, Chennai, dated 12.04.2021.

2.The case of the petitioner is that he owns property at Door No.12/A, Gandhi Nagar, Korattur, Chennai-76 and the fifth respondent/P.Velmurugan is the adjacent land owner and his property is situated at Door No.13, Gandhi Nagar, Srinivasapuram, Korattur, Chennai. It is alleged that the fifth respondent had put up construction without any planning permission and the lock and seal and demolition notice challenged in the special revision filed under Section 80-A of the Tamil Nadu Town and Country Planning Act before the Government, came to be dismissed and hence, the authorities of Greater Chennai Corporation has to demolish the unauthorized construction.

3.The learned Standing Counsel appearing for the Slum Clearance Board Mr.R.Sivakumar and the learned counsel appearing for the fifth respondent Mr.Mahaveer Shivaji would state that in G.O.Ms.No.83, Housing and Urban Development (UD4(3)] Department, dated 11.06.2019, an exemption has been granted from obtaining planning permission for the house constructed under PMAY (U) scheme and hence, the rejection order passed by the Government, dated 12.04.2021, is challenged in W.P.No.1133 of 2022.

4.It is further seen from the records that the Chairman, TANGEDCO was impleaded as the 6th respondent vide order dated 06.10.2021 and on the same day, this Court issued a direction to the TANGEDCO to disconnect the electricity service connection provided to the fifth respondent without hearing him.

5.Since the writ petition filed by the fifth respondent has



been admitted and in light of the submission of the learned counsel appearing for the respondents, we are of the opinion that nothing survives for further adjudication in this writ petition. Accordingly, this writ petition is closed. The 6th respondent is directed to restore the electricity service connection provided to the 5th respondent forthwith. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

SKN

To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 3.
2. The Executive Engineer,
Zone No.7, Ambattur,
Corporation of Chennai.
3. The Assistant Executive Engineer,
Zone No.7, Ambattur,
Corporation of Chennai.
4. The Assistant Engineer,
Zone No.7, Ambattur,
Corporation of Chennai.
5. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144 Anna Salai,
Chennai - 600 002.

+1cc to Mr.L.JaiVenkatesh, Advocate, S.R.No.6677
+1cc to Mr.B.S.Viswanathan, Advocate, S.R.No.6373
+1cc to Mr.S.Mahaveer Shivaji, Advocate, S.R.No.7053(18/03/2022)

W.P.No.21612 of 2021

MNI (CO)
TE (03/02/2022)
GMY(18/03/2022)