



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

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

W.P.NO.28501 OF 2021

Gana Subramanian

... Petitioner

.Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu-Natarajan, Maaligai', No.1,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
2. The Enforcement Cell,
Chennai Metropolitan Development Authority,
'Thalamuthu-Natarajan Maaligai',
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
4. M/s.Lokka Housing Pvt. Ltd.,
Represented by its Directors,
Having its Registered Office at
Plot No.23, Old No.89/1,
Poes Garden, Chennai,
Tamil Nadu - 600 086-India.
And Administrative Office at:
Old No.9, New No.17, Ambadi Road,
Kotturpuram, Chennai,
Tamil Nadu - 600 085 - India.
- *5. M/s.Lokaa Developers Pvt. Ltd.,
Represented by its Directors,
Having its Registered Office at
Old No.9, New No.17,
Ambadi Road Kotturpuram,
Chennai, Tamil Nadu - 600 085 - India.**



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And Administrative Office at:

**Plot No.14, Kannappa Nagar,
2nd Main Road Extension,
Thiruvanniyur,
Chennai - 600 041.**

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to demolish the unauthorised constructions/alterations/modifications made in the second floor and in the common areas by the respondents 4 and 5 herein and consequently direct the respondents 4 and 5 to restore the premises to the original structure, specifically repair the broken compound wall, water tank, Sri Ganapathy Temple and the motor structure at the apartment premises viz., "Jaya Ganapathy, bearing Plot No.14, New Door No.31, Kannappa Nagar, 2nd Main Road Extension, Thiruvanniyur, Chennai - 600 041.

For petitioner : Mr.E.Senthilkumar
For M/s.Sampathkumaar & Associates,

For respondents : Mrs.C.Sumathy Sreekanth
Standing Counsel (for R1 & R2)

Mr.K.Raja Shirinivas
Senior Standing Counsel (for R3)

ORDER

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

Heard Mr.E.Senthilkumar, learned counsel for the petitioner, Mrs.C.Sumathy Sreekanth, learned counsel appearing for the respondents 1 and 2 and Mr.K.Raja Shirinivas, learned Senior Standing Counsel appearing for the third respondent.

2. This writ petition has been filed seeking a direction to the respondents 1 to 3 to demolish the unauthorised constructions/alterations/modifications made in the second floor and in the common areas by the respondents 4 and 5.

3. The allegation of the petitioner is that the respondents 4 and 5 have put up unauthorised construction in the common areas.

4. The learned Senior Standing Counsel appearing for the Greater Chennai Corporation would state that a notice dated 07.01.2022 has been issued to the respondents 4 and 5 for



production of the approved plan. If there is any violation in the construction, the officials of the third respondent would take action in accordance with law.

5. Recording the said submission of the learned Senior Standing Counsel, this writ petition is closed. It is needless to mention that the officials of the third respondent shall take appropriate action after affording opportunity to all the necessary parties. No costs.

Sd/-
Assistant Registrar(CS III)
27/01/2022

*** Corrected as per Letter dated
11/02/2022 and made herein.
Sd/-**

**Assistant Registrar(CS III)
04/03/2022**

//True Copy//

Sub Assistant Registrar

skn

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu-Natarajan, Maaligai',
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Enforcement Cell,
Chennai Metropolitan Development Authority,
'Thalamuthu-Natarajan Maaligai',
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

*** To be
Substituted
to the Order
already despatched
on 09/02/2022**

+2ccs to Mr.Sampathkumaar & Associates, Advocate S.R.No.2214

W.P.NO.28501 OF 2021

GPL (CO)
PR (28/01/2022)
PBS/04/03/2022