



W.P.No.29480 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

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

W.P.No.29480 of 2022
and
W.M.P.Nos.28830 & 28832 of 2022

P.Naveen Kumar

...Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
- 2.The Zonal Office Officer,
Zone-13, Greater Chennai Corporation,
Chennai.
- 3.The Assistant Engineer / Division-176,
Greater Chennai Corporation,
Chennai.
- 4.The Assistant Executive Engineer/Unit-39,
Greater Chennai Corporation,
Chennai.
- 5.M.Anantharaj
- 6.A.Pon Kavitha

..Respondents



W.P.No.29480 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider the representation of the petitioner dated 20.09.2022, to take immediate action to demolish the unauthorized construction put up by the 5th and 6th respondents in Old Survey No.340/2, New Survey No.342/A situated at Plot No.4, Door No.4, 3rd Cross Street, Vijayanagar Extension, Velachery, Chennai and comprised in Old Survey No.340/2, New Survey No.342/A situated at Plot No.2, Door No.7, 3rd Cross Street, Vijayanagar Extension, Velachery, Chennai.

For Petitioner : Mr.T.R.Rajagopal, Senior Counsel
for Mr.S.Saravanan

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel for R1 to R4

ORDER

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

The prayer in the Writ Petition reads as follows:-

directing the respondents 1 to 4 to consider the representation of the petitioner dated 20.09.2022, to take immediate action to demolish the unauthorized construction put up by the 5th and 6th respondents in Old Survey No.340/2, New Survey No.342/A



W.P.No.29480 of 2022

situated at Plot No.4, Door No.4, 3rd Cross Street, Vijayanagar Extension, Velachery, Chennai and comprised in Old Survey No.340/2, New Survey No.342/A situated at Plot No.2, Door No.7, 3rd Cross Street, Vijayanagar Extension, Velachery, Chennai.

2.While it is the grievance of the petitioner that the Corporation has not taken action on his complaint relating to unauthorized structure that has been put up by the respondents 5 and 6, it is also stated that civil suits are pending with reference to title to the property.

3.Be that as it may, an obligation is cast upon the Chennai Corporation under the Tamil Nadu Town and Country Planning Act to prevent unauthorized development. Therefore, it is a statutory duty.

4.Mr.D.B.R.Prabhu, learned counsel appearing for the Chennai Corporation would submit that the Corporation has already issued lock and seal notice on 09.11.2022 and further action will be taken to the logical conclusion as per law.



W.P.No.29480 of 2022

WEB COPY

5.Recording the statement of the learned counsel, we dispose of this Writ Petition with a direction to the Corporation to pursue enforcement to its logical conclusion. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M.,J.) (K.B.,J.)
18.11.2022

kkn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



WEB COPY



W.P.No.29480 of 2022

To:-

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
- 2.The Zonal Office Officer,
Zone-13, Greater Chennai Corporation,
Chennai.
- 3.The Assistant Engineer / Division-176,
Greater Chennai Corporation,
Chennai.
- 4.The Assistant Executive Engineer/Unit-39,
Greater Chennai Corporation,
Chennai.



WEB COPY



W.P.No.29480 of 2022

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

KKN

W.P.No.29480 of 2022
and
W.M.P.Nos.28830 & 28832 of 2022



WEB COPY



W.P.No.29480 of 2022

18.11.2022