



WEB COPY

W.P.No.29180 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.29180 of 2018

Dr.Archana Narayanaswamy

.. Petitioner

Vs.

1.The Member-Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

3.The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board (CMWSSB),
No.1, Pumping Station Road,
Chinthatharipet,
Chennai – 600 002.

4.Kalpana Paridas

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the



respondents to remove the unauthorized construction made by the 4th respondent in Survey No:3/498, New Survey No:3/498 A 2 situated at East Coast Road, Uthandi Village, Chennai.

For Petitioner : Mr.B.Jawahar
For R1 : Ms.P.Veena Suresh
For R2 : Ms.P.T.Ramadevi
For R3 : Mr.Jerry V.V.Sundar
For R4 : Mrs.Chitra Sampath
Senior Counsel
Assisted by Mr.R.Sivaraman

ORDER

(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 respondents to remove the unauthorized construction made by the 4th respondent in Survey No:3/498, New Survey No:3/498 A 2 situated at East Coast Road, Uthandi Village, Chennai.

2.Heard the learned counsel appearing for the petitioner, learned counsel appearing for 1st respondent, learned counsel appearing for 2nd respondent, learned counsel appearing for 3rd respondent and the learned Senior Counsel appearing for the 4th respondent and perused the entire materials on record.



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3.The learned counsel appearing for the petitioner submitted that the 4th respondent is constructing a building in Survey No:3/498, New Survey No:3/498 A 2 situate at East Coast Road, Uthandi Village, Chennai without obtaining building permission. Hence, the petitioner made a representation dated 13.12.2017 to the respondents. Since the authorities have not passed any order, the petitioner has come out with the present Writ Petition.

4.Pending Writ Petition, the 2nd respondent filed a report and stated that pending Writ Petition, the 2nd respondent issued Locking, Sealing & Demolition notice under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 dated 30.11.2018 to the 4th respondent.

5.The learned Senior Counsel appearing for the 4th respondent submitted that challenging the above said notice, the 4th respondent filed appeal under Section 80 (A) of the Tamil Nadu Town and Country Planning Act, 1971 to the Government. Since the 4th respondent did not produce the building approval plan, an adverse order was passed by the



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Government against the 4th respondent. Challenging the said order passed by the Government, the 4th respondent filed Writ Petition in W.P.No.30357 of 2019 and the said Writ Petition is pending and produced the building approval plan before this Court.

6.In view of of the above submissions, the prayer sought for in the present Writ Petition has become infructuous. Accordingly, this Writ Petition is dismissed. No costs.

(V.M.V., J) (R.H., J)
08.12.2022

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Index : Yes / No

Internet : Yes / No

To

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3.The Managing Director,
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