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W.P.No. 3350 of 2019 and 19259 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

W.P.No. 3350 of 2019 and 19259 of 2020

Dr.R.Ramkumar

..Petitioner in both WPs

Vs

1. The Secretary,
The Hon'ble CM Cell,
Secretariate, Chennai -9. .. R1 in W.P.No.3350/2019
- 2 The Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St. George,
Chennai 600009. .. R1 in W.P.No. 19259/2020
& R4 in W.P.3350/2019
- 3 The Commissioner
Corporation of Greater Chennai,
Rippon Building, Chennai 600 003. ..R2 in both WPs
- 4 The Member Secretary /Principal Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai,
No.1 Gandhi - Irwin Road,
Egmore Chennai 600 008. .. R3 in both WPs
5. Dhanpatraj Sanklecha ..R4&R5 in W.P. 19250/2020
6. Rajendrakumar Sanklecha & R5 &R6 in W.P.3350/2019



W.P.No. 3350 of 2019 and 19259 of 2020

Prayer in W.P.No. 3350 of 2019: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 11.05.2018 and to direct the 3rd respondent to remove the unauthorised construction, constructed by 5th and 6th respondents.

Prayer in W.P.No. 19259 of 2020: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Mandamus, directing the 3rd respondent to take enforcement action against the respondents 4 and 5 in strict terms of compliance with the order of the 1st respondent vide letter No.21865 /UD-VI(2) -2017-21 dated 07/02/2020 after considering the representation of the petitioner dated 07/07/2020 in accordance with law expeditiously within a stipulated time frame as fixed by this Honourable Court.

For Petitioner : M/s.M. Madhu Prakash

For Respondents : Mr.E.Vijay Anand, AGP -R1 (both WPs)&
R4 (W.P.No. 3350/2019)
Mr.G.T.Subramanian, Standing Counsel -R2
(both WPs)
Mr.R.Thamaraiselvan, Standing Counsel-R3
(both WPs)
Mr.M.S.Krishnan, Senior Counsel
For Mr. J. James – R5 & R6
(in WP.3350/2019) & R4 & R5(in W.P.No.
19259/2020)

COMMON ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.

These writ petitions are filed seeking directions to the respondents to consider the petitioner's representation 11.05.2018 and take action against the 5th & 6th respondents for the unauthorised construction done by them.



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2. The learned counsel appearing for the 3rd respondent has filed a status report before this Court , wherein it is stated that the Government has passed order in G.O 3(D) No. 78 H& UD Department, UD5 (1) dated 01.1.2021 and 5th respondent had obtained revised planing permission in file No. CMDA/PP/NHRB/509/2020 in Planning Permit No. 14131, dated 23.04.2021 and also obtained building permission vide permit No. CEBA/WDCN05/151/2021 and completion certificate from the 3rd respondent in letter No.CMDA/CC/NHRB/C/213/2021, dated 23.08.2021.

3. It is further stated in the counter affidavit that as per the directions of this Court dated 28.04.2023, the officials of CMDA inspected the property on 10.05.2023 and observed that the building consisting of Ground floor+3 floors duplex residential building with 2 dwelling units are occupied and there is no additional construction has been put up on the 4th floor by the respondents 5 & 6 after issuance of completion certificate by CMDA.



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4. The learned counsel appearing for the petitioner has not disputed the said submissions made by the learned Standing Counsel appearing for the 3rd respondent/CMDA.

5. In light of the submissions and the statement made in the counter affidavit filed by the 3rd respondent, the prayer sought for by the petitioner in the above writ petitions has become infructuous. Accordingly, both the writ petitions are dismissed as having become infructuous. No costs.

(D.K.K., J.) (P.D.B., J.)

21.06.2023

Index: Yes / No

Internet: Yes

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To

1 The Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St. George,
Chennai 600009.



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