



WEB COPY



W.P.No.2469 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.2469 of 2023

S.Naren

.. Petitioner

Vs.

1.The Commissioner
Chennai City Municipal Corporation
Ripon Buildings
Chennai-600 003.

2.The Zonal Officer
Zone XII, No.1
New street, Alandur
Chennai-600 016.

3.The Assistant Executive Engineer
Ward No.161, Zone XII
Greater Chennai Corporation
Chennai-600 016.

4.R.Balaji Premraj

.. 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 1 & 2 to take immediate action to demolish the unauthorised construction put up by the 4th respondent at No.6, Tamil Nadu NGO



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colony, 2nd street, Aadambakkam, Chennai-600 088 within a reasonable period.

For Petitioner : Mr.S.Rajasekar
for Mr.A.Alluri Lakshmi Narayanan

For R1 to R3 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The present writ petition is filed for a direction to the respondents 1 & 2 to take immediate action to demolish the unauthorised construction put up by the 4th respondent at No.6, Tamil Nadu NGO colony, 2nd street, Aadambakkam, Chennai-600 088 within a reasonable period.

2.By consent of both the learned counsel appearing for the petitioner and Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents 1 to 3, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner as well as learned Standing Counsel appearing for the respondents 1 to 3 and perused the entire materials on record.



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4. According to the petitioner, he has purchased a portion of the land measuring 1200 sq.ft., together with a passage of 540 sq.ft. leading to TNGO colony, 2nd cross street from one V.Suresh and started construction of a house. The adjoining building of the petitioner's property belongs to 4th respondent. The 4th respondent has put up an unauthorised construction with projections on the 1st floor extending to the set back area preventing light and air ventilation entering petitioner's property, which is in violation of the provisions of the Tamil Nadu Town and Country Planning Act, 1971. In this regard, the petitioner gave complaints against the 4th respondent before the Greater Chennai Corporation on 04.08.2022 and 28.09.2022. No action has been taken on the said complaints. But the 4th respondent was issued with stop work notice. Since the 4th respondent is still using the said property, the petitioner has come out with the present writ petition for the above stated relief.

5. Mr. D.B.R. Prabhu, learned Standing Counsel appearing for the respondents 1 to 3 submitted that Officials of the respondents 1 & 2 will inspect the property and if there is any unauthorised construction put up by the 4th respondent, the respondents 1 & 2 will take action in



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accordance with law, after issuing notice to the petitioner as well as 4th respondent.

6.Considering the above submissions of the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents 1 to 3 and the nature of relief sought for by the petitioner, the respondents 1 and 2 are directed to inspect the property in question after issuing notice to the petitioner as well as 4th respondent within 15 days from the date of receipt of a copy of this order and if there is any unauthorised construction found, take appropriate action immediately within four weeks thereafter.

7.With the above directions, the writ petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
31.01.2023

Index : Yes/No
Neutral Citation : Yes/No
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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

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