



W.P.No.3334 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

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1.C.D.Sundararaj

2.Shantha Sundararaj

... Petitioners

versus

1.The Secretary to Government,
Municipal Administration and
Town and Country Planning,
Secretariat, Fort St.George,
Chennai- 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.

3.The Zonal Officer (Zone-X),
Corporation of Chennai,
No.117, NSK Salai, Power House,
Kodambakkam,
Chennai – 600 024.

4.Mr.Ramalingam.

... Respondents

1/6



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction put up by the fourth respondent at Door No.90, Sri Ayyappa Nagar 1st Main Road, Chinmaya Nagar, Virugambakkam, Chennai-600 092.

For Petitioners	: Mr.P.G.Thiyagu
For Respondents	: Mr.E.Vijay Anand Additional Government Pleader for first respondent Mr.E.C.Ramesh Standing Counsel for respondents nos. 2 and 3 Mr.Vasudevan for fourth respondent

ORDER

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

The writ petition is filed for a Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction put up by the fourth respondent at Door No.90, Sri Ayyappa Nagar 1st Main Road, Chinmaya Nagar, Virugambakkam, Chennai-600 092.

2. When the matter came up for hearing on 23.06.2023, this Court passed an order as follows:

" 5.We therefore, direct the third respondent to serve notice to both the parties and thereafter, inspect the property on 26.06.2023, in the presence of both the petitioner as well as the fourth respondent,



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and file a status report before this Court, with reference to the allegation that unauthorized construction has been put up by the fourth respondent in the set back area in the property in question.

6. List the matter on 28.06.2023."

3. Pursuant to the order dated 23.06.2023, passed by this Court, respondent Corporation has inspected the property and a status report has also been filed before this Court. In paragraph 5 of the said status report, it is stated as follows:

"5. I submit that at the time of inspection of the building in question it was found that the 4th respondent herein had laid pillars in the setback area and after issuance of Lock & Seal and Demolition Notice dated 20.02.2020 by the Greater Chennai Corporation, the 4th respondent herein had stopped the construction activity and at present no construction activity is being carried out by the 4th respondent. The photographs taken at time of the inspection are annexed herewith".

4. Learned counsel for the petitioner submitted that first petitioner had died, now the second petitioner is only prosecuting the case.

5. The fourth respondent undertakes that if there is any



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unauthorized construction, the same will be removed within a period of 12 weeks' time. Thereafter, the respondent Corporation shall inspect the said property again and if they find any violation in the building from the approved plan, the respondent Corporation shall take action against the fourth respondent in accordance with law.

6. With the above directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.3868 and 3869 of 2020 are closed.

[D.K.K., J.] [P.D.B., J.]
28.06.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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To

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D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.

(mrn)

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