



WEB COPY



W.P.No.8730 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.8730 of 2023

Rajaram Film Directors Colony
Welfare Association
Represented by its
Consultant Cum Executive
Mr.John Lopez
S/o.Augustine Lopez
Social Activist
16, Kubera Munusamy Street
Nanganallur, Chennai-600 061.

.. Petitioner

Vs.

1.The Secretary
The State of Tamil Nadu
Department of Town and Country Planning
St. George Fort, Chennai.

2. The Director
Department of Town and Country Planning
Anna Salai, Chennai.

3. The Assistant Engineer
Greater Chennai Corporation
Zonal Office, Kodambakkam
Chennai-600 024.



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4. The Secretary
Rajaram Film Directors Colony
Kodambakkam, Chennai-600 024.

5. Mrs. Subha

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 2nd respondent to take legal action against the 5th respondent for the unapproved construction work happening at Rajaram Directors Colony herein pursuant to the stop work notice issued by the 3rd respondent dated 31.10.2022 within a time stipulated by this Court.

For Petitioner : Mr. A.Ashvathaman

For R1 & R2 : Mr.A.Selvendran
Special Government Pleader

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

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 2nd respondent to take legal action against the 5th



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respondent for the unapproved construction work carrying at Rajaram Directors Colony pursuant to the stop work notice issued by the 3rd respondent dated 31.10.2022 within a time stipulated by this Court.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1 & 2 and Mr.D.B.R.Prabhu, the learned Standing Counsel, who takes notice for the 3rd respondent, 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 the learned Special Government Pleader appearing for the respondents 1 & 2 and learned Standing Counsel appearing for the 3rd respondent and perused the entire materials on record.

4. According to the petitioner, Rajaram Directors Colony is a single layout. The vacant land around the building terrace is common to all the flat owners and they shall not be entitled to convert the said common land for their personal use. The vehicles should be parked in



their respective car parking area and shall not be parked outside the premises. The 5th respondent is the owner of Flat No.1A, D Block, Rajaram Film Directors Colony and she is the Realtor. The 5th respondent has made unauthorised construction in the property without any approval. In this regard, the petitioner Association sent representations dated 27.10.2022 to the Public Information Officer, CMDA and Chief Engineer. The 3rd respondent Corporation inspected the site on 31.10.2022 and issued stop work notice under Sections 56(1) & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. Even after the stop work notice, the construction work is still going on and therefore, 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 3rd respondent submitted that following the stop work notice dated 31.10.2022, the 3rd respondent issued lock & seal notice on 01.12.2022 and de-occupation notice on 18.01.2023. In the mean time, the 5th respondent has filed an appeal before the 1st respondent on 14.11.2022. In view of the pendency of the appeal, the 3rd respondent has not proceeded further.



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6. In view of the said submissions and the fact that the appeal filed by the 5th respondent is pending from 14.11.2022, the 1st respondent is directed to dispose of the appeal filed by the 5th respondent within a period of two months from the date of receipt of a copy of this order after giving opportunity to the petitioner as well as the respondents 3 to 5. The 3rd respondent is directed to take further action depending upon the order passed by the 1st respondent in the appeal filed by the 5th respondent.

7. With the above directions, this Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
21.03.2023

Index : Yes / No
Neutral Citation : Yes / No

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To

1.The Secretary
The State of Tamil Nadu
Department of Town and Country Planning
St. George Fort, Chennai.



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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

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2. The Director
Department of Town and Country Planning
Anna Salai, Chennai.

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