



W.P.No.21978 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

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K.Vijayalakshmi

... Petitioner

Vs.

1. The Principal Secretary,
Member-Secretary,
Chennai Metropolitan Development Authority,
Chennai 600 008.
2. The Commissioner, Greater Chennai Corporation,
Chennai 600 003.
3. The Zonal Officer, Corporation of Chennai,
Division 151, Zone XI, Unit 34,
Valasaravakkam, Chennai 600 087.
4. The Superintending Engineer,
Chennai Electricity Distribution Circle (South),
No.110/33, Kundrathur High Road,
Porur, Chennai 600 116.
5. The Chairman and Managing Director,
Chennai Metro Water Supply and Sewerage Board,
Chennai 600 002.



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6. Sundaraiyan
7. Ravi
8. Gandhimathi
9. Manjula
10. Thiyagarayan
11. Rani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's representation dated 29.01.2019 and direct the them to demolish the unauthorized construction put up by the respondents 6 to 11 in Door No.5, 2nd Cross Street, Thirumugan Nagar, Porur and another house at Andal Nagar, Alapakkam 4th Street, Porur, Chennai 600 116.

For Petitioner : Mr.J.Milton Arul Rajendran

For Respondents : Mr.P.Veena Suresh,
Standing Counsel for R1

Mr.D.B.R.Prabhu,
Standing Counsel for R2 and R3

Mr.L.Jaivenkatesh, Standing Counsel for R4

Mr.Jerry V.V.Sundar for R5



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ORDER

WEB COPY (Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Writ Petition has been filed to direct the respondents 1 to 5 to consider the petitioner's representation dated 29.01.2019 and direct the them to demolish the unauthorized construction put up by the respondents 6 to 11 in Door No.5, 2nd Cross Street, Thirumugan Nagar, Porur and another house at Andal Nagar, Alapakkam 4th Street, Porur, Chennai 600 116

2. The petitioner is owner of the property bearing Door No.4, Thiru Murugan Nagar, 2nd Cross Street, Porur, Chennai 600 116. The respondents 6 and 7 have encroached Thanneer Pandal Maniyam (water Course) land, which belongs to Government and put up house at Door No.5, 2nd Cross Street, Thirumurugan Nagar, Porur and another house at Andal Nagar, Alapakkam 4th Street, Porur, Chennai, without obtaining plan approval from the concerned authorities. They had also obtained electricity connection to the above said houses. Further, they have also put up bore hole on public street and closing it by a concrete slab, they fitted water pipe in the hole and connected it to the motor pump, fitted inside their house.



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Hence, the petitioner made a representation dated 29.01.2019 to the 5th respondent. However, no action has been taken. Hence the writ petition.

3. The third respondent has filed counter affidavit, stating that, on receipt of complaint from the petitioner, notice under Section 56 and 57 r/w Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 was issued on 06.02.2019 to the 7th respondent, calling upon him to submit the approved plan. Since the 7th respondent had failed to produce the sanctioned plan, Lock and Seal notice was issued on 19.02.2019. The 7th respondent, through his counsel had given a letter dated 18.03.2019 stating that an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 has been filed and hence requested not to take any coercive action, till the disposal of of the appeal.

3.1. It is further stated that the petitioner has also prayed to take action against the house at Andal Nagar, Alapakkam 4th Street, Porur, Chennai-116, which comes under the limits of Vanagaram Municipality and the Greater Chennai Corporation does not have jurisdiction to take action against the said building.



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4. Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the respondents 1 to 5 and we perused the materials on record.

5. It is seen from the records that the petitioner has sought for direction to the official respondents *to take action against two houses, viz., i) House at Door No.5, 2nd Cross Street, Thirumurugan Nagar, Porur, and ii) House at Andal Nagar, Alapakkam 4th Street, Porur, Chennai,* which have been constructed unauthorizedly by the 6th and 7th respondents by considering her representation dated 29.01.2019. Further it is seen that the 8th respondent is wife of 6th respondent and the respondents 9 and 10 are sons of 6th respondent. The 11th respondent is wife of 10th respondent.

6. Asfar as the house at Door No.5, 2nd Cross Street, Thirumurugan Nagar is concerned, already Lock and Seal notice under Section 56 and 57 r/w Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 was issued on 19.02.2019 to the 7th respondent against which, the 7th respondent has filed an Appeal under Section 80-A of the Act before the



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Government. In view of the fact that already action has been taken on the petitioners representation by issuing lock and seal notice against which appeal is also pending, we are of the view that in this regard, there is no need to pass any order in the writ petition.

7. As far as the second property viz., house at Andal Nagar, Alapakkam 4th Street, Porur, Chennai-116 is concerned, according to the official respondents, the above property comes under the limit of Vanagaram Municipality and not within the jurisdiction of Greater Chennai Corporation. It is to be noted that the above said Vanagaram Municipality is not a party to the writ petition. Therefore, the petitioner can make a fresh representation with regard the above said property before the jurisdictional officer for taking necessary steps against the unauthorized construction, if she so advised.



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8. With the above observations, this writ petition is disposed of. No

costs.

(D.K.K.J.)

(P.D.B.J.)

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Internet: Yes/No

Index : Yes/No

mst

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
2. The Executive Engineer, Greater Chennai Corporation,
Zone-05, Basin Bridge Road,
Royapuram, Chennai.



WEB COPY



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P. DHANABAL, J.

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