



W.P.No.7256 of 2020

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

AND

THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.7256 of 2020

and

W.M.P.Nos.8665 & 8667 of 2020

1.Geetha Titus

2. Jacob Cherian

.... Petitioners

VS

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Park Town,
Chennai - 600 003.

2. The Executive Engineer,
Zone V, Corporation of Chennai,
36B/12B, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.

3. The Assistant Engineer,
Division 108, Corporation of Chennai,
No.13, MGR Third Street,
MMDA Colony, Arumbakkam,
Chennai - 600 106.



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4. The Flying squad/ Enforcement Cell,
CMDA, Gandhi Irwin Road,
Chennai - 600 008.

5. U.Rajan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to ensure that no construction which is violative of the development Control Rules, framed under the Tamil Nadu Town and Country Planning Act 1971 and the building Regulations under the Chennai City Municipal Corporation Act 1919, by the 5th respondent at Door No.35(Old No.17), Gandhi Road, Choolaimedu, Chennai 94, and consequently, remove and demolish the offending construction put up in the said property.

For Petitioner : Mr.K.Kuberan
for M/s.Rank Associates

For Respondents : Mr.E.C.Ramesh,
Standing Counsel for Corporation
for R1 to R3
Mr.P.Veena Suresh
Standing Counsel for CMDA for R4
Mr.V.C.Selvasekaran for R5

ORDER



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(Order of the Court was made by J.NISHA BANU, J.,)

WEB COPY This writ petition has been filed to direct the respondents to ensure that no construction which is violative of the Development Control Rules, framed under the Tamil Nadu Town and Country Planning Act 1971 and the building Regulations under the Chennai City Municipal Corporation Act 1919, by the 5th respondent at Door No.35(Old No.17), Gandhi Road, Choolaimedu, Chennai-94, and consequently, remove and demolish the offending construction put up in the said property.

2. The case of the petitioners is that the 5th respondent was putting up construction close to their compound wall without leaving any set back spaces. The entire construction debris was falling into the premises of the petitioners causing hardship to the petitioners. Since there was no approved plan details, the petitioners requested 5th respondent to stop construction. Since the unauthorized/illegal construction was continued by the 5th respondent, the petitioners filed a complaint on 13.01.2020 to the Corporation of Chennai through web site to take immediate action. Since no action was taken again on 25.1.2020 another complaint was given. But the authorities were calling the petitioners for more information relating to the property which the petitioner could give only the Door Number of the disputed property. Since no action



was taken by the respondents, the present writ petition has been filed.

3. When the matter is taken up for hearing learned counsel appearing for the 5th respondent would specifically state that lock and seal notice was issued by the Corporation on 11.03.2020. Aggrieved over the same, the 5th respondent has also filed revision petition on 12.08.2020 under Section 80-A of the Tamil Nadu Town and Country Planning Act. Further, the 5th respondent has also sent a letter to the 2nd respondent to defer all further enforcement action against his building pending consideration of his revision before the Government and he has also produced a copy of the acknowledgement for the same. He would also request this court, not to take any coercive action till the 80-A application is disposed of.

4. Considering the above submission made by the learned counsel for the 5th respondent, without expressing any view on the merits of the matter, the 1st respondent is directed to consider the appeal filed by the 5th respondent dated 12.08.2020 and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the 1st to 4th respondents shall not take



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any coercive action as against the property of the 5th respondent. No costs.
consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
25.09.2023

vsi

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

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