



WEB COPY



W.P.No.9850 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No.9850 of 2023

Helen Moses

... Petitioner

Vs.

1.The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai – 600 003.

2.The Assistant Zonal Officer
Corporation of Chennai
Zone No.V, Division No.70
Shenoy Nagar, Chennai – 600 030.

3.The Chairman & Managing Director
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai – 600 008.

4.Naminath Sthulabhadra Vihar Trust
Kilpauk Jain Sangh
No.9, Millers Road (Opp. Ayesha Hospital)
Kilpauk, Chennai – 600 010.

5.Mr.Parasmal K.Vaid
President, Naminath Sthulabhadra Vihar Trust

...Respondents



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WEB COPY Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to issue stop work notice in respect of the construction in progress under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 to the 4th and 5th respondents and thereafter demolish all permanent / semi permanent structures including or any other constructions put up by the 4th respondent in the property situated at Old door No.9, New door Nos.16 to 18 Millers Road, Kilpauk, Chennai – 600 010.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel for RR1 & 2
Mr.R.Sivakumar
Standing Counsel for R3
Mr.Thomas T.Jacob for RR 4 & 5

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to issue stop work notice, in respect of the construction in progress under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 and thereafter demolish all permanent / semi permanent structures including or any other constructions put up by the 4th respondent in the property situated at Old door No.9, New door Nos.16 to 18 Millers Road, Kilpauk, Chennai – 600 010.



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2. Mr.D.B.R.Prabhu, learned Standing counsel appearing for second respondent filed Status Report dated 09.05.2023. In paragraphs 6, 7 and 8, it has been stated as follows:-

“6.I submit that the premises in question was inspected by the Assistant Executive Engineer, Unit 23, Zone VIII and the Assistant Engineer, New Division - 100, Old Division - 103, Unit - 23, Zone - VIII, Greater Chennai Corporation on 17.04.2023. I further submit that at the time of inspection it was found that there was a small temporary shed erected within the premises in question and material have been stored for constructing a building.

7.I submit that after inspecting the building in question action has been taken by issuing a Pre-Notice dated 21.04.2023 under Section 56 and 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971 directing the owner/occupier of the building in question directing to produce/submit the approved plan copy within 15 days from the date of receipt of the notice and also directed to stop the work immediately.

8.I submit that on receipt of the above notice the Authorized Representative of the 4th respondent Trust



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herein had sent a reply letter stating that their Trust had applied for planning permission with the Greater Chennai Corporation vide PPA/WDCN08/03307/2023 dated 12.04.2023 and stated that they will commence the construction only after obtaining planning permission.”

3. The learned counsel appearing for the respondents 4 and 5 would submit that Respondents 4 and 5 viz., the owners of the property in question will not proceed with construction in the above mentioned address, unless and until the planning permission was issued to them.

4. Recording the submissions stated in the Status Report filed by the 2nd respondent and the submissions of the learned counsel for the Respondents 4 and 5, this Writ Petition is closed. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
14.07.2023

Index : Yes / No
Internet : Yes / No
Speaking order/Non-speaking order
Neutral Citation : Yes / No
Jer/nvsri



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