



W.P. No.13692 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P. No.13692 of 2023
and WMP.No.13378 of 2023

C.Selvaraj

.. Petitioner

Versus

1. The Commissioner,
Greater Chennai Corporation,
Chennai 600 002.
2. The Zonal Officer,
Zone - XII,
Greater Chennai Corporation,
1st New Street, Alandur,
Chennai 600 016.
3. The Assistant Engineer,
Ward-166,
Greater Chennai Corporation,
1st New Street, Alandur,
Chennai 600 016.
4. Lakshmi
5. Venkatesan

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate legal action to stop the unauthorised construction of the building and demolish the unauthorised construction put up at Door No.43, Nehru Nedunchalai, Bhakthavatchalam Nagar, Palavanthangal, Chennai 600 114 comprised in S.No.124, Village No.133, Thalaikancherry Village, Palavanthangal, Alandur Firka, Bhakthavatchalam Nagar, Kanchipuram District on the basis of the petitioner's representation dated 22.03.2023.

For petitioner : Mr.P.Gunaraj

For respondents : Mr.D.B.R.Prabhu, for RR1 to 3

ORDER

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

This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 to take appropriate legal action to stop the unauthorised construction of the building and demolish the unauthorised construction put up at Door No.43, Nehru Nedunchalai, Bhakthavatchalam Nagar, Palavanthangal, Chennai 600 114 comprised in S.No.124, Village No.133,



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Thalaikancherry Village, Palavanthangal, Alandur Firka, Bhakthavatchalam Nagar, Kanchipuram District on the basis of the petitioner's representation dated 22.03.2023.

2. It is the case of the petitioner that he is the co-owner of the property comprised in Door No.43, Nehru Nedunchalai, Bhakthavatchalam Nagar. However, the respondents 4 and 5 fraudulently obtained sale deed by way of an exparte decree and subsequently, demolished the existing old building and commenced construction in the above property without getting a sanctioned plan.

3. In the above circumstances, the petitioner sent a representation to the respondents 1 to 3 on 22.03.2023 to take immediate legal action against the respondents 4 and 5 and stop the unauthorised construction. However, the official respondents have not taken any action and hence, the present Writ Petition.



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4. When the matter came up before this Court on 01.06.2023, this Court directed the respondents 1 to 3 to file status report. As per the direction of this Court, the learned Standing Counsel appearing for the respondents 1 to 3 filed Status Report, dated 24.06.2023 stating that based on the petitioner's representation, the building in question was inspected and Stop Work Notice was issued on 19.04.2023 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act. On receipt of the notice, the respondents 4 and 5 stopped the unauthorised construction and applied for planning permission on 06.06.2023. The said application was rejected by the appropriate authority for want of documents on 22.06.2023. Subsequently, enforcement action was taken by issuing locking and sealing notice dated 24.06.2023 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act. It is also stated that further enforcement action will be taken against the unauthorised construction as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971.



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5. Recording the status report, dated 24.06.2023 filed by the learned Standing Counsel for the respondents 1 to 3, this Writ Petition is disposed of directing the respondents 1 to 3 to take necessary action against the unauthorised construction within a period of twelve weeks from the date of receipt of a copy of this order as per the procedure contemplated under law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J] [P.D.B., J]
26.06.2023

Speaking order: Yes/No
Index : Yes/No
pvs

To

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