



W.P.No.16333 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16333 of 2019

E.Palani

.. Petitioner-in
Person

VS

- 1.The District Collector,
Chennai District,
Office of the District Collector,
Rajaji Salai, Chennai.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA)
Thalamuth Natarasan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
- 4.The Executive Director,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-600 002.



W.P.No.16333 of 2019

5.The Executive Director,
Chennai Water Supply and Sewerage Board,
Pumping Station, Chintradripet,
Chennai-600 002.

6.The Director,
Tamil Nadu Fire and Rescue Services,
No.12, Rukmani Latchumipathy Road,
Egmore, Chennai-600 008.

7.The Regional Deputy Commissioner,
Greater Chennai Corporation,
Zone-IV, Basin Bridge Road,
Chennai-600 021.

8.The Tahsildar,
Tondiarpettai,
Chennai.

9.The Regional Officer,
Greater Chennai Corporation,
Zone-IV, Thiruvotriyur High Road,
Chennai-600 021.

10.The Executive Engineer,
Greater Chennai Corporation,
Zone-IV, Thiruvotriyur High Road,
Chennai-600 021.

11.The Tax Assessment Officer,
Greater Chennai Corporation,
Zone-IV, Thiruvotriyur High Road,
Chennai-600 021.

12.J.Rajasekar Babu

.. Respondents



W.P.No.16333 of 2019

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to initiate appropriate action on the petitioner's representation dated 29.11.2018 against the unauthorised illegal construction of the 'SUBBA RAO THIRUMANA MANDAPAM''situated at No.55, Ekambaram Street, Korukkupettai, Chennai-600 021, comprised in Ward-48, Area-II, Zone-IV of Chennai Corporation owned by the 12th respondent and to demolish the same.

For the Petitioner	: No Appearance
For the Respondents	: Mr.K.Karthik Jagannath Government Advocate for respondents 1, 6 and 8
	: Mrs.P.Veena Suresh Standing Counsel for respondent No.2
	: Mr.E.C.Ramesh for respondents 3, 7, 9 to 11
	: Mr.P.Subba Reddy for Mr.J.D.Srikanth Varma for respondent No.12
	: No appearance for respondents 4 and 5



W.P.No.16333 of 2019

ORDER

WEB COPY (Order of the court was made by the Hon'ble Chief Justice)

The petitioner, appearing in person, is absent.

2. We have heard Mr.K.Karthik Jagannath, learned Government Advocate for respondents 1, 6 and 8; Mrs.P.Veena Suresh, learned Standing Counsel for respondent No.2; Mr.E.C.Ramesh, learned counsel for respondents 3, 7, 9 to 11; and, Mr.P.Subba Reddy, learned counsel for Mr.J.D.Srikanth Varma, learned counsel for respondent No.12.

3. Unauthorised construction is alleged against respondent No.12.

4. Respondent No.10 has filed the counter-affidavit. In the counter-affidavit, it is stated that after inspecting the building in question, action has been taken by issuing a stop work notice/notice calling for approved plan dated 8.7.2019 under Section 56(1) and 57



W.P.No.16333 of 2019

read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 to respondent No.12 directing him to produce the approved plan within 15 days from the date of receipt of the said notice. In the counter-affidavit, it is stated that respondent No.12 has submitted the approved plan for putting up residential house consisting of ground floor and first floor, whereas he has converted and is using the said building for commercial purpose, namely Subba Rao Kalyana Mandapam, without permission for such conversion. The counter-affidavit also states that further action against respondent No.12 would be taken.

5. Learned counsel for respondent No.12 submits that the proposal has already been given to the authority for regularisation.

6. It is stated that the issue pertaining to regularisation of the unauthorised building is pending before the Apex Court.

7. It is for the authorities to proceed in accordance with law.



W.P.No.16333 of 2019

8. With these observations, the writ petition is disposed. There will be no order as to costs. Consequently, W.M.P.Nos.16006 and 16008 of 2019 are closed.

(S.V.G., C.J.)

(D.B.C., J.)

15.11.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr

To

- 1.The District Collector,
Chennai District,
Office of the District Collector,
Rajaji Salai, Chennai.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA)
Thalamuth Natarasan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
- 4.The Executive Director,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-600 002.



W.P.No.16333 of 2019

- 5.The Executive Director,
Chennai Water Supply and Sewerage Board,
Pumping Station, Chintradripet,
Chennai-600 002.
- 6.The Director,
Tamil Nadu Fire and Rescue Services,
No.12, Rukmani Latchumipathy Road,
Egmore, Chennai-600 008.
- 7.The Regional Deputy Commissioner,
Greater Chennai Corporation,
Zone-IV, Basin Bridge Road,
Chennai-600 021.
- 8.The Tahsildar,
Tondiarpettai,
Chennai.
- 9.The Regional Officer,
Greater Chennai Corporation,
Zone-IV, Thiruvotriyur High Road,
Chennai-600 021.
- 10.The Executive Engineer,
Greater Chennai Corporation,
Zone-IV, Thiruvotriyur High Road,
Chennai-600 021.
- 11.The Tax Assessment Officer,
Greater Chennai Corporation,
Zone-IV, Thiruvotriyur High Road,
Chennai-600 021.



WEB COPY



W.P.No.16333 of 2019

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

bbr

W.P.No.16333 of 2019

15.11.2023



WEB COPY



W.P.No.16333 of 2019