



WEB COPY



W.P.No.13094 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.13094 of 2023

S.Kusalraj

.. Petitioner

Vs.

1.The Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.

2.The Zonal Officer
Zone V, The Greater Chennai Corporation
105, Basin Bridge Road
Chennai-600 079.

3.Shantilal

4.Jayanthilal

5.Heera Chand

6.Dhanraj S.Jain

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of

India, praying for issuance of a Writ of Mandamus to direct the 1st



W.P.No.13094 of 2023

respondent to consider and pass orders on the representation of the petitioner dated 07.09.2022 and take action on the unauthorised construction of ground + 6 floors at Old Door No.418, New No.196, Mint Street, Chennai-79.

For Petitioner : Mr.K.Francis

For R1 : Mr.R.Sivakumar
Standing Counsel

For R2 : Mr. D.B.R.Prabhu
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the 1st respondent to consider and pass orders on the representation of the petitioner dated 07.09.2022 and take action on the unauthorised construction of ground + 6 floors at Old Door No.418, New No.196, Mint Street, Chennai-79.

2. By consent of the learned counsel appearing for the petitioner as well as Mr.R.Sivakumar, learned Standing Counsel, who takes notice for the 1st respondent and Mr.D.B.R.Prabhu, learned Standing Counsel, who



takes notice for the 2nd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as learned Standing Counsel appearing for the 1st respondent and 2nd respondent and perused the entire materials on record.

4. According to the petitioner, the vacant site measuring 2402 sq.ft. along with building was purchased by his wife Nishadevi and his uncle Shantilal/3rd respondent herein vide sale deed dated 15.04.2008. After the said transaction, the 3rd respondent has demolished the existing building and put up ground floor as a parking space and six floors in the property bearing Old Door No.418, New No.196, Mint street, Chennai-79, without obtaining planning permission. He has settled his 50% of the UDS in the property in favour of his three sons/respondents 4 to 6. Further the wife of the petitioner executed a settlement deed dated 25.08.2022 in favour of the petitioner in respect of 50% of the UDS in the subject property. While so, the petitioner was given to understand that ground + 6 floors have been constructed without any permission and approval in the said property. Hence, the petitioner has sent a representation dated 07.09.2022



W.P.No.13094 of 2023

to the respondents 1 & 2 to take action on the unauthorised construction.

However, the respondents 1 & 2 have not taken any steps. Hence, the petitioner has come out with the present Writ Petition.

5. Considering the submissions made and nature of relief sought for in the Writ Petition, the respondents 1 & 2 are directed to inspect the property in question after issuing notice to the petitioner as well as respondents 3 to 6 within a period of two weeks from the date of receipt of a copy of this order and if there is any unauthorised construction found, take appropriate action within eight weeks from the date of inspection.

6. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
28.04.2023

Index : Yes/No
Neutral Citation : Yes/No

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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj

To

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