



W.P.No.14213 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM:

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

W.P.No.14213 of 2019
and WMP.No.14285 of 2019

1.V.Pattu
2.Mrs.Chandra

... Petitioners

Vs.

1.The Member Secretary,
CMDA (Chennai Metropolitan Development Authority),
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.

3.Mr.Muthuvelu

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 25.04.2019 connection with demolition of building which is being constructing illegally by the 3rd respondent in the property known as Ram Saras Complex, comprised in T.S.No.39, situated at No.4, Babu Rajendra Prasad First Street, West Mambalam, Chennai-600 033,



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without obtaining proper building plan approval / exemption as required under Tamil Nadu Town and Country Planning Act.

For Petitioners : M/s.B.Balavijayan

For Respondents : Mr.P.Veena Suresh for CMDA for R1

Mr.D.B.R. Prabhu, for R2

Mr.N.A.Nissar Ahmed, Senior Counsel
for Mr.J.Kowser Nissar for R3

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The writ petition has been filed for a Mandamus directing the respondents

1 and 2 to consider the petitioner's representation dated 25.04.2019 in connection with demolition of building, which is being constructed illegally by the third respondent in the property comprised in T.S.No.39, situated at No.4, Babu Rajendra Prasad First Street, West Mambalam, Chennai-600 033, without obtaining proper building plan approval / exemption as required under Tamil Nadu Town and Country Planning Act.

2. The matter was listed before this Court on several occasions. When the



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matter came up on 05.06.2023, it was reported by the learned counsel for the petitioner that the first petitioner died and therefore, steps were taken to bring the legal heirs of the deceased / first petitioner. The prayer in the writ petition is for taking action against the third respondent for putting up unauthorized construction in the property in question.

3. Today when the matter is taken up, the learned counsel for the third respondent has produced the proceedings in Letter No.3738416/UD 6(3) / 2022-5 dated 25.05.2023 issued by the Additional Secretary (Technical), Housing and Urban Development Department, Chennai - 9, in and by which the appeal filed by the petitioners under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 was disposed of and three months time was granted to the petitioners to rectify the building and to obtain revised planning permission, satisfying the Tamil Nadu Combined Development and Building Rules, 2019. While such being the position, the prayer sought for in the writ petition has been infructuous.

D.KRISHNAKUMAR, J.
and



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P.DHANABAL, J.

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4. Recording the aforesaid submission made by the third respondent as well as the aforesaid proceedings dated 25.05.2023, the Writ Petition stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is also dismissed.

(D.K.K., J.) (P.D.B., J.)
19.06.2023

Intex : Yes/No

Internet : Yes/No

Jvm

To

1.The Member Secretary,
CMDA (Chennai Metropolitan Development Authority),
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Egmore, Chennai-600 008.

2.The Commissioner,
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