



W.P.No.16566 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.16566 of 2023

M/s. Rainbow Hospitality Private Ltd.,
rep. by its Authorised Signatories,
Mr.A.Inbasekar,
No.9, Muthu Street, Santhome,
Chennai - 600 004
Having office at No.160, 3rd Floor,
Greens Road, Thiru building,
Thousand Lights, Chennai-600 006

... Petitioner

VS

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
2. The Executive Engineer,
Greater Chennai Corporation (Zone-9),
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai - 600 034.
3. The Assistant Executive Engineer,
Greater Chennai Corporation (Zone 9),
Unit 24, CIT Colony, 6th Cross Street,
Chennai - 600 005.



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4. The Assistant Engineer,
Greater Chennai Corporation (Zone-9),
No.4, 4th Cross Street,
Lakeview Road,
Chennai - 600 034.

5. Palaniappan

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

(R6 Impleaded vide order dt.26.06.2023
made in WMP.No.17608/2023 in W.P.

No.16566/2023 by DKKJ,PDBJ)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st to 4th respondents to consider and act on the representation of the petitioner dated 13.05.2023 and to direct the 4th respondent to take action against the 5th respondent and to prevent the illegal construction at No.160, 3rd floor, Greams Road, Thiru Building, Thousand Lights, Chennai - 600 006.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.D.B.R.Prabhu,
Standing Counsel for
Corporation for R1 to R4 & R6
Ms.V.V.Sathya, for R5



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ORDER

(The Order of the Court was made by J.Nisha Banu,J.)

The above writ petition has been filed to issue a Writ of Mandamus to direct the 1st to 4th respondents to consider and act on the representation of the petitioner dated 13.05.2023 and to direct the 4th respondent to take action against the 5th respondent and to prevent the illegal construction at No.160, 3rd floor, Greams Road, Thiru Building, Thousand Lights, Chennai - 600 006.

2. The case of the petitioner is that the petitioner is the lease holder of the property situated at No.160, 3rd Floor, Greams Road, Thiru Building, Thousand Lights, Chennai - 600 006, at 3rd Floor and the 5th respondent is owning the property at 2nd floor and the building was constructed more than 25 years back. The 5th respondent had been carrying out the demolition activities in the 2nd floor belong to him since the commercial activities had been taken place in the said building, the building got completely cracked. In spite of repeated request not to carry out the new construction inside the 2nd floor by adding more weight which will cause serious damage to the entire building structure, the 5th respondent is continuing the building work. The petitioner has given a representation to



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the respondents 1 to 4 on 13.05.2023, but inspite of the same, the respondents 1 to 4 did not take any action. Hence, the present writ petition.

3. Admittedly, CMDA has not issued any planning permission for the building. In the counter affidavit filed by the Chennai Corporation, it is stated that the Chennai Metropolitan Development Authority/6th respondent is the competent authority to take action against the said building. However, in the status report filed by the CMDA in September, 2023, it is stated that CMDA has delegated its power to the GCC to take enforcement action against the unauthorized construction vide Proc.No.RT/19948/2011 dated 2.12.2016. Therefore, respondents 1 to 4 are directed to take immediate enforcement action against the building in question by following due process of law. The said exercise shall be done by the 1st to 4th respondents within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.

(J.N.B.,J.) (N.M.,J.)
25.09.2023

Index:Yes/No
Speaking/Non-speaking order
vsi



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