



W.P.No.21587 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.21589 of 2019

A.C. Shanmugam

... Petitioner

versus

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore,
Chennai- 600 008.

2.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai.

3.The Zonal Officer,
Zonal Office XIII,
Corporation of Chennai,
Shenoy Nagar,
Chennai-600 030.

4.M.Palanivel

5.P.Murugesan

... Respondents



W.P.No.21587 of 2019

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to take appropriate action including action to demolish the deviated/unauthorized construction of the building at Door No.59, Purasaiwakkam High Road, Chennai-600 007 and restore the building as per Sanction Plan PPA No:352/2005 dated 24.01.2005, BA No:930/2005 dated 18.02.2005 and take appropriate action for illegal construction in violation of the statutory Rules and Regulations and to prosecute the wrong doers and pass orders.

For Petitioner	: Mr.Udhaya Kumar
For Respondents	: Mr.P.Srinivas
	Standing Counsel
	for first respondent
	Mrs.Veena Suresh
	Standing Counsel
	for second respondent

ORDER

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

This writ petition has been filed for a Mandamus, directing the respondents 1 to 3 to take appropriate action including action to demolish the deviated/unauthorized construction of the building at Door No.59, Purasaiwakkam High Road, Chennai-600 007 and restore the building as per Sanction Plan PPA No:352/2005 dated 24.01.2005, BA No:930/2005 dated 18.02.2005 and take appropriate action for illegal construction in violation of the statutory Rules and Regulations and to prosecute the wrong doers and pass orders.



W.P.No.21587 of 2019

WEB COPY

2. Learned Standing Counsel for Chennai Metropolitan Development Authority, on instructions, has informed the Court that one Thilakam, who is the land owner of the property in question, has made an application under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971, (Building Recovery Scheme 2017), for regularisation of unauthorised construction/deviation. The said application is pending. Therefore, the authorities have not initiated further action for the violation of the Building Rules.

3. Learned counsel appearing for the petitioner has stated that necessary orders may be passed giving liberty to the petitioner for making objection before the Chennai Metropolitan Development Authority to the aforesaid application filed under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971,

4. Considering the statement made by the learned Standing Counsel for the respondent Chennai Metropolitan Development Authority, no further direction can be issued in the present writ petition. However, liberty is granted to the petitioner to make his objection to the aforementioned application filed under 113-C of the Tamil Nadu Town and Country Planning Act, 1971, if so advised, before the Chennai Metropolitan Development Authority.



WEB COPY



W.P.No.21587 of 2019

D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.

(mrn)

5. With the above liberty, the writ petition stands disposed of.

There will be no order as to costs.

[D.K.K., J.] [P.D.B., J.]
28.06.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore,
Chennai- 600 008.

2.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai.

3.The Zonal Officer,
Zonal Office XIII,
Corporation of Chennai,
Shenoy Nagar,
Chennai-600 030

W.P.No.21589 of 2019