



W.P.No.20870 of 2022

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.20870 of 2022

T.Udayakumar ... Petitioner

versus

- 1.The Commissioner
Tambaram Corporation (Peerkankaranai)
Chennai-600 063.
- 2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1 Gandhi Irwin Road, Egmore, Chennai-08.

3.D.Kandavel

4.Chitra ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus directing the respondents 1 and 2 herein to initiate action and enquiry in respect of property situated at Old S.No.154, New S.No.154/1A2B situated at Peerkankaranai Village, Manikandan Street, Tambaram Taluk, Kancheepuram District for demolition of illegal construction put up by the respondents 3 and 4 of the basis of the representation made by the petitioner on 21.06.2022.



W.P.No.20870 of 2022

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For Petitioner : No appearance
For Respondents : Mr.P.Srinivas,
for the first respondent

Mr.C.N.Vinobha,
Standing counsel for CMDA,
for the second respondent

Mr.S.Raman,
for M/s.Swaraj Associates,
for respondents 3 and 4

ORDER

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

This writ petition has been filed for a Mandamus, directing the respondents 1 and 2 herein to initiate action and make enquiry in respect of property situated at Old S.No.154, New S.No.154/1A2B , Peerkankaranai Village, Manikandan Street, Tambaram Taluk, Kancheepuram District for demolition of illegal construction put up by the respondents 3 and 4 on the basis of the representation made by the petitioner on 21.06.2022.

2. None appeared on behalf of the petitioner.



W.P.No.20870 of 2022

WEB COPY

3. A status report has been filed by the first respondent/Commissioner of Corporation, wherein it is stated that, on the basis of a letter dated 21.06.2022 of the petitioner, the property in question was inspected on 16.07.2022 by the officials of the Corporation. After the inspection, the petitioner as well as the third respondent were directed to submit copies of their title deeds and the building plans as sanctioned by the competent authority. The petitioner and the third respondent submitted their documents. Thereafter, the site was again inspected on the basis of the approved plan and it was found that there are several deviations by the petitioner as well as the third respondent.

4. It is further stated in the status report that, as per the approved plan, two dwellings were to be constructed on the ground floor along with a common dividing internal wall. Now during the inspection, it is found that the third respondent had put up ground plus two floors and the petitioner had put up ground plus first Floor. It was also found that in both buildings constructed by the petitioner and the third respondent, there are deviations in terms of set back spaces all around and the rear set back space is totally absent in the building put



W.P.No.20870 of 2022

up by the third respondent. Therefore, a show cause notice dated 29.09.2022, was issued to the petitioner as well as to the third respondent, to rectify the defects pointed out in the said notice, within 15 days from the date of receipt of the said notice. The said notice was received by the petitioner and the third respondent on 30.09.2022.

5. It is further stated in the report that after the expiry of 15 days time, given in the said notice, further action would be taken by the first respondent. The copy of the plan and the photographs of the buildings as on date and the sketch showing the building as per plan and the building as per present site conditions are also enclosed along with the report.

6. The learned Standing Counsel for the Corporation submitted both the petitioner and the third respondent have violated the planning approval and the said construction is illegal and unauthorized and there are deviations and set back. Therefore, he seeks four weeks time to take further action in accordance with law, for taking steps for the unauthorized constructions and deviation from the approved plan.



W.P.No.20870 of 2022

WEB COPY

7. In view of the report submitted by the first respondent and the submissions made by the learned standing counsel for the first respondent, the respondent Corporation is directed to proceed further for taking steps for removal of unauthorized construction and deviation as per the approved plan. The said action shall be taken within a period of four weeks from the date of receipt of a copy of this order, and if necessary, opportunity shall be granted to the parties.

8. With the above directions, the writ petition stands disposed of.
There will no order as to costs.

[D.K.K., J.] [P.D.B., J.]
19.06.2023

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

To

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W.P.No.20870 of 2022

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and
P. DHANABAL, J.

(mrn)

W.P.No.20870 of 2022

19.06.2023