



W.P.No.23124 of 2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM:

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

W.P.No.23124 of 2019

R.Kannan

... Petitioner

Vs.

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

2.Mrs.G.Komala

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the first respondent to inspect the 2nd respondent's premises and take appropriate legal action on the basis of the petitioner's representation dated 10.06.2019 within a stipulated time frame.

For Petitioner : M/s.C.S.Loganathan

For Respondents : Mrs.P.Veena Suresh
Standing Counsel for CMDA for R1



WEB COPY

W.P.No.23124 of 2019

ORDER

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

The writ petition has been filed for a Mandamus directing the first respondent to inspect the second respondent's premises and take appropriate action on the basis of the petitioner's representation dated 10.06.2019 seeking removal of unauthorized construction put by up by the second respondent.

2. Counter Affidavit has been filed by the first respondent / CMDA, wherein it has been stated that CMA has delegated the powers to all the local bodies within Chennai Metropolitan Area, including Corporation of Chennai, to take necessary action against all types of unauthorized / deviated constructions, under the provisions of TNCP Act and hence, further course of action is to be pursued by the Commissioner, Greater Chennai Corporation under the delegation of power issued by CMDA and also as per the MCMC Act, 1919. But the petitioner has not taken steps to implead the Commissioner, Greater Chennai Corporation as party in the instant writ petition.



W.P.No.23124 of 2019

WEB COPY

3. In the light of the above, the writ petition stands dismissed. It is made clear that this order will not stand in the way of the petitioner to approach the Greater Chennai Corporation for taking necessary action for removal of unauthorized construction put by up by the second respondent. No costs.

(D.K.K., J.) (P.D.B., J.)
06.06.2023

Intex : Yes/No
Internet : Yes/No
Jvm

To
The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarasan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008..



WEB COPY



W.P.No.23124 of 2019

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

W.P.No.23124 of 2019

06.06.2023