



WEB COPY



W.P.No.23097 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.23097 of 2019

P.Seeralan

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Buildings, Chennai 600 003.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,Egmore,
Chennai 600 008.

3. C.Jaisankar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the third respondent, who has put up building construction in flats/Apartments at Door No.13/132, Subramaniyar Garden (now Subramani Garden), 1st street,Sembium, Perambur, Chennai 600 011.



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For Petitioner : Mr.K.Kannan

For Respondents : Mr. A.C.Mani Bharathi,
Standing Counsel for R1

Mr.P.Veena Suresh, Standing Counsel for R2

Third Respondent- died

ORDER

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

This Writ Petition has been filed to direct the respondents 1 and 2 to take appropriate action against the third respondent, who has put up building construction in flats/Apartments at Door No.13/132, Subramaniyar Garden (now Subramani Garden), 1st street, Sembium, Perambur, Chennai 600 011.

2. The petitioner is a resident of Door No.24, Subramaniyar Garden, first street, Sembium, Perambur, Chennai. The third respondent, claiming himself as a building promoter, under the name and style of “ Vani Homes” demolished the earlier building at Door No.13, New door No.132, Subramaniyar Garden first street, Sembium, Perambur and constructed first

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and second floor containing 7 flats, without obtaining planning permission from the authorities concerned and he had also sold some of the flats. The entire flats have been constructed against the building rules and regulations and hence, the petitioner has given a representation dated 9.6.2019 to the respondents 1 and 2 to take against the third respondents. However, there was no action taken. Hence the writ petition.

3. It is reported before this Court that the third respondent died and an Appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act filed by the third respondent is pending before the Government.

4. In view of the fact that the third respondent died, the prayer sought for against him has become infructuous. If the construction of building is contrary to the building Rules and Regulations, as alleged by the petitioner, he is at liberty to approach the authorities concerned for taking appropriate action.



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5. With the above direction, this writ petition is disposed of. No costs.

(D.K.K.J.)

(P.D.B.J.)

14.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

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D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

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