



W.P.No.10709 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.10709 of 2021 and

WMP No.11349 of 2021

1. R.Krishnamoorthy

2. A.Natarajan

3. J.Kannan

... Petitioners

Vs.

1. The Assistant Engineer,
Corporation of Chennai, T.Nagar,
Chennai 600 017.

2. Gurunathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to take appropriate action to remove the illegal construction, which is being constructed by the second respondent in the set back area contrary to the approved plan in No.36, Sarojini Street, T.Nagar, Chennai 600 017, pursuant to the representations of the petitioner dated 3 to 6 October 2020; 4.11.2020 and 7.11.2020.



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3. Pursuant to the direction of this Court dated 28.04.2021 the first

respondent had filed status report, wherein, it is stated as follows.

6. At the time of inspection, Mr.Gurukirthi Gurunathan, son of second respondent has submitted the approved plan obtained by his father vide P.No.4521/1972 dated 23.01.1973. On scrutinizing, it was found that the second respondent had put up his building by deviating the approved plan and also put up unauthorized construction in the set back area. The measurements taken at the time of inspection are as follows.

Sl. No	Description	As per plan M.sq.	As per site M.sq.	Deviated/ Unauthorized
1	Ground Floor	78.15	110.57	34.42
2	First Floor	78.15	110.57	32.42
3	Second Floor	-	110.57	110.57
4	Newly constructed area (lift)	-	3.69	3.69
5	Temporary Metal roofing at terrace	-	23.76	23.76

7. After inspecting the building at No.36, Sarojini Street, T.Nagar, Chennai 600 017, further action has been taken by issuing a locking and sealing and demolition notice dated 28.06.2021 under Section 56 & 57 r/w Section 85 of Tamil Nadu Town and Country Planning Act, 1971 to the second respondent building.



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8. The petitioners herein have also attended the inspection, but they have neither submitted any documents viz., planning permission etc., for verifying the allegations that the second respondent had encroached their premises and put up his building.

4. Inview of the above, the first respondent is directed to proceed in accordance with law, after serving notice to the petitioner and the second respondent and take necessary action against the deviations as well as the unauthorized construction put up in the said building, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that these violations are of a serious nature, the authority concerned have to strict vigil on the unauthorized building and to take action against the violators.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.)

(P.D.B.J.)

16.06.2023

Internet: Yes/No
Index : Yes/No
mst



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To
WEB COPY

The Assistant Engineer,
Corporation of Chennai, T.Nagar,
Chennai 600 017.



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D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

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