



W.P.No.23438 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.23438 of 2022

K.Ganesan

.... Petitioner

vs

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
2. The Zonal Executive Engineer,Zone-1,
Greater Chennai Corporation,
No.100, Varadarajan Street,
Tiruvottiyur,
Chennai - 600 019.
3. The Assistant Engineer,
Division No.13, Zone-1,
Greater Chennai Corporation,
No.100, Varadarajan Street,
Tiruvottiyur,
Chennai - 600 019.
4. The Member-Secretary,
Chennai Metropolitan Development Authority of India,
Thalamuthu natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.



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respect of demolishing the illegal and unauthorized construction of the buildings at Door No.128/76.C Village Street, Tiruvottiyur, Sathangadu, Chennai-19, comprised in Survey No.202/1 put up by 5th and 6th respondents.

2. Perusal of the records shows that on receipt of the complaint from the petitioner, the officials of Greater Chennai Corporation inspected the property in question and after inspection notice dated 06.01.2021 was issued to the 5th respondent calling for approved plan. Since the 5th respondent failed to comply, the entire building had been treated as unauthorized and further action had been taken by issuing Lock & Seal and demolition notice dated 20.05.2021. In continuation of the same, further action had been taken by issuing de-occupation notice dated 21.09.2021. Thereafter, the building in question was locked and sealed by the officials of Greater Chennai Corporation. The 5th respondent filed an appeal under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. The same was disposed of granting three months time to the 5th respondent and on expiry of the time granted, directed the respondent Corporation to re-seal the building if the 5th respondent fails to obtain necessary planning permission for the said building.



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3. When the matter was taken up for hearing on 05.09.2023, Mr.D.B.R.Prabhu, learned standing Counsel appearing for the respondent Corporation stated that the period of three months expired on 23.08.2023 and they will initiate the process of enforcement action from 07.09.2023. Recording the said statement, the matter is posted today to report the progress made.

4. Today, the learned Standing Counsel appearing for the respondent Corporation would state that again lock and seal notice was issued and the premises is now under lock and seal.

5. In view of the above stated position and the order already passed in the appeal under section 80-A of the said Act, for taking further action, the respondents are directed to initiate further enforcement action as against the 5th and 6th respondents and complete the same in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.

(J.N.B.,J.) (N.M.,J.)
12.09.2023

Index:Yes/No
Speaking/Non-speaking order
vsi



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