



WEB COPY



W.P.No.32038 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.08.2023

CORAM

**THE HON'BLE MRS.JUSTICE J.NISHA BANU
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

W.P.No.32038 of 2017

1.Dr.K.Thiagarajan
(deceased)

2.Vaidehi Thiagarajan

[Petitioner No.2 substituted as LRs
of deceased sole petitioner vide order
dated 11.07.2023 made in WMP.23262/2022
in WP.32038/2017]

... Petitioner

.Vs.

1.The Secretary to Government
Housing and Urban Department
Secretariat, Fort St.George
Chennai.

2.Chennai Metropolitan Development Authority
rep. By its Member Secretary
Egmore, Chennai-600 008



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3.The Assistant Commissioner
Corporation of Chennai
Zone-9
Valluvarkottam, Chennai-600 034

4.Chandrakala Lodha

5.M.A.Srinivasan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to take immediate action based on G.O.(Ms).No.81 dated 10.05.2017 issued by the First respondent and demolish the illegal construction at ground floor of Viswakamal Apartments, No.245, R.K.Mutt Road, Mylapore, Chennai-600 004 and reserve the areas occupied by the fourth and fifth respondents for the purpose earmarked in the sanctioned plan numbered as C/PP/151A to E/88 along with Plan permit No.5735 dated 08.07.1988.

For Petitioner : Mr.R.Narasimhan

For Respondents : Mr.E.Vijay Anand, Addl Govt.Pleader for R1.
Mr.R.Thamarai Selvam, Standing counsel
for CMDA
Mrs.S.P.Arthi for R5
Mr.R.Gopinath for R3
Mrs.S.P.Nagaraj for R4.

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ORDER

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This Writ Petition has been initiated seeking for mandamus to implement the orders passed by the Government in G.O.(Ms.)No.81 dated 10.05.2017 wherein the Appeal Petition filed by the 4th respondent had been rejected.

2. It is brought to the notice of this court that the 4th respondent has preferred Review Petitions under Section 81 of Tamil Nadu Town and Country Planning Act, 1971 and by G.O.(Ms.)No.67, Housing and Urban Development (UD1) Department dated 24.05.2019, the same has also been rejected. However, no further proceedings has been initiated by the respondents 2 and 3 as against the 4th respondent. It is also reported that the 4th respondent had already sold the property to 3rd party.

3. Be that as it may. It is also brought to the notice of this court by the learned counsel for the 2nd respondent that for various deviations in the entire building, notice has already been issued and appropriate action has been



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initiated against the occupants of the respective flats.

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4. It is also brought to the notice of this court that the 5th respondent filed W.P.No.24049 of 2018, wherein, plea has been taken seeking to take necessary action as against the other deviated portion of the building. However, it is transpired that the said Writ Petition has been dismissed for non-prosecution on 22.02.2023 by a co-ordinate Division Bench of this Court.

5. Since it is brought to the notice of this court that various violations have been noted in the entire building, the 2nd respondent is directed to initiate appropriate action as against the unauthorised/deviated construction carried out in contrary to the approved plan in the building viz., Vishwakamal Apartments, No.245, R.K.Mutt Road, Mylapore, Chennai 600 004, within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that if any proceedings pending as against any notice that has been already issued by respondents 2 and 3, the same shall be disposed of by the 1st respondent and 2nd respondent within two months from the date of receipt of a copy of this order.



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6. The writ petition is disposed of with the above direction. No costs.

J.N.B.J., K.B.J.,
11.08.2023

Index : Yes/No

Speaking order/Non Speaking order
nvsri

Note: Issue copy order by 17/8/2023

To

1. The Secretary to Government
Housing and Urban Department
Secretariat, Fort St. George
Chennai.

2. Chennai Metropolitan Development Authority
rep. By its Member Secretary
Egmore, Chennai-600 008

3. The Assistant Commissioner
Corporation of Chennai
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J.NISHA BANU, J.

&
K.KUMARESH BABU, J.
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