



WEB COPY



W.P.No.31418 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 01.08.2023**

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU  
AND  
THE HONOURABLE MRS. JUSTICE N.MALA**

**W.P.No.31418 of 2019  
and  
W.M.P.No.31587 of 2019**

B.Ravichandran

..Petitioner

Vs.

1. The Commissioner,  
Corporation of Chennai,  
Rippon Building,  
Park Town,  
Chennai - 600 003.

2. The Assistant Engineer,  
128, Division,  
Corporation of Chennai,  
K.K.Nagar,  
Chennai - 600 078.

3. The Thasildar,  
Mambalam Taluk,  
Chennai - 600 078.

4. B.Mohan Kumar,  
S/o Late Bangaru Naidu.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue  
a Writ of Mandamus to direct the respondents 1 to 3 to enforce the order dated



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30.01.2019 made in W.P.No.22353/2005 in pursuant to the impugned proceedings dated 13.06.2005 by the 2nd respondent to bring the property bearing Door No.5/128, Vanniar Street, Virugambakkam, ,Chennai - 78 within purview of regulation of provision under the enactment.

For Petitioner : Mr.T.R.Sathiya Mohan

For Respondents : Mr.E.C.Ramesh,  
Standing Counsel for R1 & R2  
Mr.P.Gurunathan,  
Additional Government Pleader for R3  
Mrs.V.Srimathi for R4

### **ORDER**

This writ petition has been filed to issue a Writ of Mandamus to direct the respondents 1 to 3 to enforce the order dated 30.01.2019 made in W.P.No.22353/2005 in pursuant to the impugned proceedings dated 13.06.2005 by the 2nd respondent to bring the property bearing Door No.5/128, Vanniar Street, Virugambakkam, ,Chennai - 78 within purview of regulation of provision under the enactment.

2. According to the petitioner, the subject property, originally, belonged to his father Bangaru Naidu, who died on 10.06.2019. During the lifetime of his father, he had put up certain constructions over the property which were in violation of the rules and regulations of building rules of Madras City Municipal Corporation Act. Therefore, action was initiated against the 4th respondent, the brother of the petitioner.



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A notice was issued to the 4th respondent under Section 256(1) & (2) of the Chennai City Municipal Corporation Act. The 4th respondent filed W.P.No.22353 of 2005 challenging the said notice. In the said writ petition, an order was passed by this Court on 30.01.2019, directing the respondents to identify the encroachments and violations of constructions within a period of two weeks from the date of the order and to initiate action for demolition of the unauthorised construction and for eviction from the encroached portions. The petitioner further stated that despite the said order, no action was taken by the respondents. It was the further case of the petitioner that there is also title dispute with regard to the subject property in O.S.No.4967/2019 on the file of IV Additional City Civil Court, Chennai, which is pending. According to the petitioner, as he was interested in the subject property and as he feared that the violation committed by the 4th respondent may in future affect him, he was constrained to file the present writ petition for a direction to the respondents to enforce the order dated 30.01.2019 made in W.P.No.22353/2005.

3. Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the 3rd respondent produced a report in proceedings dated 12.07.2023 issued by the Tahsildar, Mambalam Taluk, Chennai-78, in which, it is stated that in respect of the property at Block Nos.34 and 35, Vanniyar Street, Arumbakkam Town, Mambalam Taluk,



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Chennai District, from Arcot Road to Old Bangaru Colony 2nd Street junction,

Division-128, Section-29, Assistant Engineer and Assistant Executive Engineer of the Greater Chennai Corporation along with the officials of the survey department, conducted joint survey of the aforesaid property and found that there were no encroachments made in the said blocks.

4. The learned counsel for the 4th respondent referring to the counter affidavit filed by him submitted that on 11.10.2021, the 3rd respondent issued the lock and seal notice and demolition notice in Notice No.10/00886. Against the said notice, the 4th respondent filed an appeal under Section 80-A of the Town and Country Planning Act on 01.11.2021. The Section 80-A appeal was disposed of with a direction to remove the offending construction within 3 months and the said order was complied by the 4th respondent to the knowledge of the statutory respondents.

5. In view of the proceedings dated 12.07.2023 and the submissions of the learned counsel for the 4th respondent, nothing survives for further adjudication in the present writ petition. Therefore, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

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

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Index : Yes / No

Internet : Yes

vsi



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To

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**and**  
**N.MALA,J.**

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