



W.P.No.33617 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition No.33617 of 2019

--

Grace Gnanambal

.. Petitioner

Vs.

1. M/s.Square Developers,
Represented by its Partner
Mr.A.Godwin Wilson,
S/o D.Arul Muthiah
having office at
Plot No.59/B, I Main Road,
Sadasivam Nagar,
Madipakkam, Chennai-600 091.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Enforcement Cell,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The Regional Joint Commissioner/
Deputy Commissioner (South),
Corporation of Chennai,
No.118, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.
4. The Executive Engineer,
Zone-14,
Greater Chennai Corporation,
Zonal Office Pulithivakkam, Chennai.



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5. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai-600 007.
6. The Commissioner,
Chennai Corporation,
Ripon Building,
Chennai-600 003.
7. The Chairman,
TANGEDCO,
Anna Salai,
Chennai-600 002.
8. The Director,
Chennai Metrowater Supply and
Sewerage Board,
Chennai.
9. The Director,
Directorate of Vigilance and Anti Corruption,
No.293, M.K.N.Road,
Alandur, Chennai-600 016.
10. State of Tamil Nadu,
represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009.
11. R.Nirupama
12. Ashok Kumar Sharma
13. S.Senthilnathan
14. S.Priya
15. E.Ramakrishnan
16. J.Saravanan

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17. Shoba
18. Minu Priya
19. Sumathy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second and third respondents to demolish the construction of Stilt Floor, First Floor and the Second Floor at Plot No.29, Door No.15, Sivasubramaniam Street, Ramalinga Nagar, Madipakkam, Chennai-600 091 and consequently take necessary action against the first respondent for putting up such illegal and unauthorised construction.

For petitioner : Mr.D.Ashok Kumar

For respondents: Not ready in notice for R-1

Mr.R.Thamaraiselvan, Standing Counsel for R-2

Mr.D.B.R.Prabhu, Standing Counsel for RR-3 to 6

Mr.L.Jai Venkatesh for R-7

Mr.Jerry V.V.Sundar for R-8

Mr.E.Vijaya Anand, Addl.G.P. for RR-9 and 10

Mr.G.Adithyaraj for K.Chandru for RR-11 to 14, 16 & 17

Dr.G.Krishnamurthy for RR-15, 18 and 19



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ORDER

(The Order of the Court was made by D.Krishnakumar, J)

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This Writ Petition is filed for issuance of a Writ of Mandamus to direct the second and third respondents to demolish the construction of Stilt Floor, First Floor and the Second Floor at Plot No.29, Door No.15, Sivasubramaniam Street, Ramalinga Nagar, Madipakkam, Chennai-600 091 and consequently take necessary action against the first respondent for putting up such illegal and unauthorised construction.

2. It is brought to the notice of this Court by the learned counsel appearing for the flat owner(s) that they have preferred an appeal as against the order passed under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act and the said appeal is still pending before the Government.

3. Learned counsel for the petitioner submitted that while hearing the said appeal, the Government may be directed to afford an opportunity of hearing to the petitioner also. The petitioner made objection before the Government by explaining that this is the second round of litigation before the Government by way of appeal.

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4. Learned Standing Counsel appearing for the Greater Chennai Corporation (respondents 3 to 6) stated that as the said appeal is still pending before the Government, further proceedings cannot be proceeded with by the Greater Chennai Corporation.

5. Learned Additional Government Pleader appearing for respondents 9 and 10 stated that the said appeal may be directed to be disposed of by the Government within two weeks' time.

6. Considering the above submissions made by the learned counsel appearing for the parties, the petitioner and private respondents 11 to 19 and the affected parties, if any, are directed to appear before the Government on 26.06.2023 and the Government shall also send communication to parties to appear for enquiry on 26.06.2023 and thereafter, the Government/tenth respondent, shall pass appropriate orders on the said appeal, on merits and in accordance with law, within a period of two weeks from 26.06.2023. It is made clear that the objection of the petitioner shall be duly considered by the Government.

7. It is needless to mention that the petitioner shall furnish a copy of this

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order along with the relevant papers. If any such appeal is pending, the tenth respondent-Secretary to Government, Housing and Urban Development Department, Chennai, shall communicate the reasons for deciding the appeal one way or the other, in respect of the claim of the petitioner.

8. It is further made clear that this Court has not ventured on the merits of the claim of the parties and it is for the Government/tenth respondent to decide the appeal on its own merits and in accordance with law.

9. With the above observations/directions, the Writ Petition is disposed of. There shall be no order as to costs.

(D.K.K., J) (P.D.B., J)
19.06.2023

Index: Yes/no

Speaking Order: Yes/no

Neutral Citation: Yes/no

CS

Registry to issue order copy by 20.06.2023

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,

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Enforcement Cell,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
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2. The Regional Joint Commissioner/
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No.118, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.
3. The Executive Engineer,
Zone-14,
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9. State of Tamil Nadu,
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and

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