



W.P.No.17904 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.17904 of 2017
and W.M.P.Nos.19433 & 19434 of 2017

P.Bakthavatsalam

.. Petitioner

Vs.

1.The Member Secretary
Chennai Metropolitan Development
Authority (CMDA)
Thalamuthu Natarajan building
No.1, Gandhi Irwin Road
Egmore
Chennai-600 008.

2.The Commissioner
Corporation of Chennai
Rippon Building
Chennai-600 003.

3.The Regional Deputy Commissioner
Corporation of Chennai
Regional Office – Central
2nd cross street (East)
Pulla Avenue
Shenoy Nagar
Chennai – 600 030.



W.P.No.17904 of 2017

4.The Zonal Officer
Zone – VI, Corporation of Chennai
Ayanavaram, Chennai-23.

5.The Assistant Engineer
Corporation of Chennai
Division – VI, Ward No.70
Perambur, Chennai-600 011.

6.Venkateswaran

7.Balaji @ Deendayalan

8.Indirani Selvam

9.J.Surendra Rao

10.Balakrishnan

11.Sivanesan

12.Gunasekar

13.Saravanabhava

14.Sundaramoorthy

15.Raghuraman

16.Sriramulu

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to act forthwith on the petitioner's representations dated 05.01.2016 and 27.01.2016 and legal notice dated 22.01.2016 immediately to take necessary statutory action to remove and demolish the illegal/unauthorised constructions/encroachments/deviations thereon



W.P.No.17904 of 2017

put up by the respondents 6 to 16 in respect of their buildings bearing Door Nos.40/69-1, 33/10, 19/9B2, 21/9B1, 23/9D1, 25/9D2, 23/9D3, 27-2/9C, 31-1/9A, all are situated at Vedivelu Mudali street, Perambur, Chennai-600 011.

For Petitioner : Mr.S.L.Sudarsanam
For R1 : Mr.C.N.Vinobha
Standing Counsel
For R2 to R5 : Mr.A.C.Manibharathi
For R6 : Mr.M.Stalin
For R7 : No appearance
For R8 : Ms.S.Shujatha
For RR10, 13 to15: Mr.J.Vijayshankar
For R16 : Mr.R.Sreerangan

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The present Writ Petition is filed for a direction to the respondents 1 to 5 to act forthwith on the petitioner's representations dated 05.01.2016 and 27.01.2016 and legal notice dated 22.01.2016 immediately to take necessary statutory action to remove and demolish



W.P.No.17904 of 2017

the illegal/unauthorised constructions/encroachments/deviations thereon put up by the respondents 6 to 16 in respect of their buildings.

2.Learned counsel appearing for the respondents 10, 13 to 15 submitted that the Corporation has initiated proceedings against the respondents 6 to 16 by issuing lock and seal notice. Challenging the said notice, they filed Special Revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971. The Additional Secretary (Technical), Housing and Urban Development Department, Secretariat Chennai – 9 by letter dated 13.05.2022 set aside the notice issued by the Corporation of Chennai under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, 1971 and directed the appellants therein, the respondents 10, 12 to 16 & petitioner herein to restore the building to its original position or to file an application for regularisation.

3. The learned counsel appearing for the respondents 10, 13 to 15 submitted that already they have filed an application for regularisation.

4. In view of the said submissions made by the learned counsel appearing for the respondents 10, 13 to 15 and order of the Government



W.P.No.17904 of 2017

setting aside the proceedings initiated for removal of unauthorised construction by the Corporation, no further order is necessary in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(V.M.V., J) (V.L.N., J)
03.03.2023

Index : Yes / No
Neutral Citation : Yes / No

kj

To

1.The Member Secretary
Chennai Metropolitan Development
Authority (CMDA)
Thalamuthu Natarajan building
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.

2.The Commissioner
Corporation of Chennai
Rippon Building, Chennai-600 003.

3.The Regional Deputy Commissioner
Corporation of Chennai
Regional Office – Central
2nd cross street (East)
Pulla Avenue, Shenoy Nagar
Chennai – 600 030.



WEB COPY



W.P.No.17904 of 2017

**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj

4.The Zonal Officer
Zone – VI, Corporation of Chennai
Ayanavaram, Chennai-23.

5.The Assistant Engineer
Corporation of Chennai
Division – VI, Ward No.70
Perambur, Chennai-600 011.

Writ Petition No.17904 of 2017
and W.M.P.Nos.19433 & 19434 of 2017

03.03.2023