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W.P.No.706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.706 of 2023

R.Methran

.. Petitioner

Vs.

1.The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai-600 003.

2.The Regional Deputy Commissioner (Central)
Greater Chennai Corporation
2nd cross street
Pulla Avenue
Shenoy nagar, Chennai-600 030.

3.The Zonal Officer
Zone-IX, Greater Chennai Corporation
No.1, 4th cross street
Lake View Road
Nungambakkam, Chennai-600 034.

4.V.Bindhya

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to take action as against the unauthorised building of



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the 4th respondent at No.33, Virupaksheeswarar Kovil street, Mylapore, Chennai-600 004 based on the petitioner's representation dated 12.12.2022 within a time frame.

For Petitioner : Mr.V.C.Selvasekaran

For R1 to R3 : Mr.D.B.R.Prabhu

Standing Counsel

ORDER

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

The petitioner has come out with present writ petition for a direction to the respondents 1 to 3 to take action as against the unauthorised building of the 4th respondent based on the petitioner's representation dated 12.12.2022.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents 1 to 3, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner as well as learned Standing Counsel appearing for the respondents 1 to 3 and perused the entire materials on record.



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4.The petitioner and his two cousins viz., R.Sonaa & B.Babina are owners of the property at old door No.9, new no.31, Virupaksheeswarar Kovil street, Mylapore, Chennai-4. They applied for planning permission and the same was rejected by the 3rd respondent. On the advice of builder and Officials of the respondents 1 to 3, without plan and approval, the petitioner constructed ground + two floors. The 4th respondent, who is neighbour of the petitioner lodged a complaint against the petitioner. The respondents issued pre-notice dated 29.07.2022 under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act and lock & seal and demolition notice dated 15.10.2022 under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act calling upon the petitioner to restore the land to its original condition. Subsequently, the respondents 1 to 3 put up lock and seal of the petitioner's property.

5.According to the petitioner, the 4th respondent, who is his neighbour has constructed ground + three floors without obtaining any permission and approval and it is only an unauthorised construction. He made a complaint to the 3rd respondent on 26.09.2022 and another complaint to the respondents 1 & 2 on 22.09.2022 against the 4th



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respondent. Since the respondents 1 to 3 have not taken any action on the complaint, the petitioner has sent a representation dated 12.12.2022 to the respondents 1 to 3 to take action against the 4th respondent. Since they have not taken any action, the petitioner has come out with the present writ petition.

6.Learned counsel appearing for the petitioner submitted that the complaint given by the petitioner is not acted upon. On the other hand, on the complaint given by the 4th respondent, the respondents 1 to 3 put up lock and seal of the petitioner premises.

7.Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the respondents 1 to 3 submitted that on receiving the complaint from the petitioner, the respondents 1 to 3 issued notice against the 4th respondent under Section 57 read with 85 of the Tamil Nadu Town and Country Planning Act, on 10.01.2023.

8.Considering the above submissions of the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents 1 to 3 that already respondents 1 to 3 have



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issued notice under Section 57 read with 85 of the Tamil Nadu Town and Country Planning Act against the 4th respondent, the respondents 1 to 3 are directed to proceed further based on the notice dated 10.01.2023 in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
11.01.2023

Index : Yes/No
Neutral Citation : Yes/No
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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

Kj

To

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