



W.P.No.28096 of 2017
and W.M.P.No.30185 of 2017

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.28096 of 2017
and
W.M.P.No.30185 of 2017

P.Rajesh

... Petitioner

Vs.

- 1.The Member-Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Building,
No.1, Gandhi-Irwin Road, Egmore,
Chennai - 600 008.
- 2.The Commissioner,
St.Thomas Mount Panchayat Union @ Chitlapakkam,
Chennai - 600 064.
- 3.The President,
Vengaivasal Panchayath,
Vengaivasal, Chennai - 126.

4.M.G.Sundar Raj

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Notice bearing No.Na.Ka.No.2484/2016/A4 dated 23.10.2017 passed by the second respondent and quash the same and consequently to direct the second respondent to mark the deviations if any found in constructions considering the entire approved Plan Approval No.161/04 dated 01.08.2004 for further action.

For Petitioner	: Mr.M.Jaikumar for Mr.K.J.Saravanan
For R1	: Mr.C.N.Vinobha Standing Counsel CMDA
For RR2 & 3	: Mr.P.Gurunathan Additional Government Pleader
For R4	: Mr.T.Dharani

ORDER

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

This writ petition is filed seeking for a direction to quash the notice in Na.Ka.No.2484/2016/A4 dated 23.10.2017 passed by the second respondent and for a direction to direct the second respondent to mark the deviations, if any found in the construction based on the plan approval No.161/04 dated 01.08.2004.

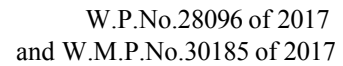


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2. Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the 1st respondent and the learned Additional Government Pleader appearing for the respondents 2 and 3 and the learned counsel appearing for the 4th respondent and perused the entire materials available on record.

3. Learned counsel appearing for the petitioner submitted that in the earlier petition filed by the petitioner in W.P.No.4584/2017 against the very same respondents, for a direction to the respondents 1 to 3 to take action against any violation found in the construction as per plan approval No.161/2004 dated 01.08.2004 issued by the second respondent to the fourth respondent, this Court, by the order dated 23.02.2017, directed the second respondent to consider the case of the petitioner and do the needful in accordance with law within three months. Pursuant to the said direction, the second respondent issued demolition notice dated 23.10.2017 to the petitioner. In such circumstances, the petitioner has come out with the present writ petition.



5. Considering the above submissions, without deciding the matter on merits, the second respondent is directed to inspect the property of the petitioner as well as the fourth respondent within a period of two weeks and on inspection, if there is any unauthorised construction found, take action against both the petitioner and the fourth respondent.



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6. With the above directions, this Writ Petition is disposed of .

No costs. Consequently, connected miscellaneous petition is closed.

(V.M.V.,J.)

(R.H.,J.)

22.02.2023

(1/2)

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order
mtl

To

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and
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