



WEB COPY



WP No.6649 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

and

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.6649 of 2024
and W.M.P.No.7395 of 2024

R.Jennifer

... Petitioner

-VS-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.
2. The Executive Engineer,
Greater Chennai Corporation, Zone VIII,
2nd Street, Pulla Avenue, Shenoy Nagar,
Chennai 600 030.
3. The Asst. Executive Engineer,
Greater Chennai Corporation, Zone VIII,
2nd Street, Pulla Avenue, Shenoy Nagar,
Chennai 600 030.
4. Royal Landmark Constructions,
Rep. by its Proprietor, Jegan.
5. V.Kailasam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to demolish the unauthorized construction in the ground floor and the



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third floor of the premises bearing Door No.85, South Mada Veethi, Villivakkam, Chennai-600 049 comprised in S.No.365/4, Konnur Village, Purasaiwalkam-Perambur Taluk within a stipulated time.

For Petitioner : Mr.U.Venkatesh

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel for RR 1 to 3
: No appearance for RR 4 and 5

* * * * *

ORDER

(Order of the Court was made by **S.S.SUNDAR, J**)

This writ petition is filed for issuance of writ of mandamus directing respondents 1 to 3 to demolish the unauthorised construction in the ground floor and third floor of the premises bearing Door No.85, South Mada Veethi, Villivakkam, Chennai 600 049, comprised in S.No.365/4, Konnur Village, Purasaiwalkam-Perambur Taluk.

2. The petitioner is one of the co-owners who has undivided interest in the premises and is residing in the second floor. The fourth respondent, the builder, appears to have put up construction in the ground floor, i.e., in the stilt floor, which is meant for parking and in the third floor of the building. It is to be noted that the builder, the fourth



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respondent, appears to have sold one flat in favour of his father, the fifth respondent herein.

3. Pursuant to the orders of this Court, the respondents have taken action for removal of the unauthorised construction and the same was also challenged by the builder before the Government. It is not disputed that the respondents have locked and sealed the premises of ground floor and third floor. It was at that time the fifth respondent had filed the writ petition W.P.No.28654 of 2023 for issuance of writ of mandamus directing the respondents to de-seal the property in ground floor to enable him to remove the deviated construction and to restore the property in accordance with the sanctioned plan. The writ petition was disposed of on 29.09.2023 in the following lines:

"3. Recording his submission and considering the relief as sought for by the petitioner to bring the building within the parameters of the planning permission granted by the respondents, the petitioner is granted three months time to effect such rectification. The respondents are directed to de-seal the premises within a period of one week from today. The petitioner shall also not put the



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building for any use till such rectification is carried out and approved by the respondents."

4. Pursuant to the aforesaid order, it is stated by the official respondents that the premises was de-sealed. However, the private respondents have not removed the unauthorised construction in the ground floor as well as in the third floor. Hence, the petitioner has come by way of present writ petition.

5. Despite service of notice on respondents 4 and 5 and their names being printed in the cause-list, they are not represented by anyone.

6. Considering the fact that the earlier order passed by this Court on 29.09.2023 in W.P.No.28654 of 2023 has become final, this Court has no other option but to direct respondents 1 to 3 to seal the premises and demolish the unauthorised construction in the ground floor and the third floor of the premises bearing Door No.85, South Mada Veethi, Villivakkam, Chennai 600 049, comprised in S.No.365/4, Konnur Village, Purasaiwalkam-Perambur Taluk, within a period of twelve weeks from the date of receipt of a copy of this order.



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With the aforesaid direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
30.07.2024

Index : Yes/No
NC : Yes/No

sra

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and
N.SENTHILKUMAR, J.

(sra)

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