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W.P.No.8633 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8633 of 2021

and

W.M.P.No.9184 of 2021

Sridevi Sai

.... Petitioner

Vs

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai-600008.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai-600 003.

3.N.Akbar

4.A.Afzal

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to initiate action against the respondents 3 and 4 for demolishing the rear side and remodeling the same and converting from residential purpose in to commercial in respect of the building situated at New Door No.9 Old Door No.5 United Apartment Palat Sankarapuram Road, Mahalingapuram, Nungambakkam, Chennai-600 034 on the basis of the petitioners representation dated 12.2.2021.



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For Petitioner : Mr.S.Jayakumar
For R1 : Mrs.P.Veena Suresh
Standing Counsel
For R2 : Mrs.P.T.Ramadevi
Standing Counsel
For R3 & R4 : No appearance

ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 and 2 to initiate action against the respondents 3 and 4 for demolishing and remodeling the building situated at New Door No.9, Old Door No.5, United Apartment Palat, Sanakarapuram Road, Mahalingapuram, Nungambakkam, Chennai – 600 034.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner owned Flat No.4, New Door No.9, Old Door No.5, Palat Sankarapuram Road, Mahalingapuram, Nungambakkam, Chennai – 600 034. The third and respondents also owned Flat No.2 in ground floor of the United Apartment. The entire apartment consists of more than ten flats. While being so, the third and fourth respondents, without obtaining any valid permission or license or



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approved plan, demolished rear side of the ground floor of the building thereby weakened the structure of the building. After the demolition, they remodeled the building to suit the convenience and converted the residential portion into a non-residential portion. Therefore, the petitioner lodged a complaint before the first and second respondents. On receipt of such complaint, the first respondent inspected the premises and found the unauthorised conversion of the residential flats by the third and fourth respondents herein. Therefore, the first respondent issued a stop work notice to the third and fourth respondents on 12.07.2021. However, there was no response, and as such, the first respondent issued lock-and-seal and demolition notice dated 12.02.2022.

4. In view of the above, the respondents 1 and 2 are directed to proceed with the actions outlined in lock-and-seal and demolition notice dated 12.02.2022 and complete the same within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that in order to comply, the respondents should be given an opportunity to do so, in accordance with the principles of natural justice.

5. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.



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No costs.

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Internet : Yes

Index : Yes/No

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To

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G.K.ILANTHIRAIYAN, J.

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