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WP.No.12348/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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J.Veeramani

... Petitioner

Vs.

- 1.The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai 600 003.
- 2.The Executive engineer
Zone-08, Greater Chennai Corporation
No.36B/12B, Pulla Avenue Road
Shenoy Nagar, [Near Thiru-Vi-Ka Park
Pulla Avenue], Chennai 600 030.
- 3.The Assistant Executive Engineer
Zone-08, Greater Chennai Corporation
No.36B/12B, Pulla Avenue Road
Shenoy Nagar, [Near Thiru-Vi-Ka Park
Pulla Avenue], Chennai 600 030.
- 4.The Assistant Engineer
Greater Chennai Corporation



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Division 101 [Old 102], Zone-08
Pulla Avenue Road, Shenoy Nagar
[Near Thiru-Vi-Ka Park, Pulla Avenue]
Chennai 600 030.

5.Mr.J.Udayakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to grant direction to respondents 1 to 4 herein to stop illegal, unauthorised construction work of the 5th respondent at No.1A, 18th Street, Block [Now G Block], Anna Nagar East, Chennai 600 102 and to remove the same through consider and dispose of the petitioner's representation dated 23.02.2023 submitted to respondents 1 to 4 herein on merits and in accordance with law.

For Petitioner	: Mr.N.Kannan
For RR 1 to 4	: Mr.D.B.R.Prabhu, Standing counsel
For R5	: M/s.Vasudha Thiagarajan

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)The present writ petition has been filed by the petitioner seeking for issuance of a writ of mandamus to direct respondents 1 to 4 herein to stop the illegal and unauthorised construction of the 5th respondent at Door No.1A, 18th Street, Anna Nagar East, Chennai-102 and to remove the same by considering the representation of the petitioner dated 23.02.2023.

(2)It appears that the petitioner is the brother of the 5th respondent. They



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have rival claim and there is dispute over the existing building at Door No.1A, 18th Street, Anna Nagar East, Chennai. The case of the petitioner is that after the death of the petitioner's father, the 5th respondent has put up a construction in the third floor which is not authorised. Stating that the construction is contrary to the Building Regulations and that, it is wholly unauthorised, the petitioner submitted a representation before the official respondents to stop the unauthorised construction which is without any planning approval.

(3)The further case of the petitioner is that the petitioner is also residing in the second floor of the said building. Unfortunately, even to the dismay of the petitioner, the official respondents have now submitted before this Court that the whole construction is not authorised and the building in which the petitioner and the 5th respondent are residing, is without a sanctioned plan.

(4)Whether the whole construction is unauthorised or the violation is only in respect of the third floor, it is for the official respondents to decide the same. It is admitted that the 4th respondent has already issued notice to all the occupants for removal of unauthorised construction and a De-



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Occupation Notice was also issued.

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(5) In such circumstances, if it is found that the whole building is unauthorised or the third floor of the building alone is in violation of the Building Regulations or contrary to the approved plan, the 4th respondent is directed to proceed further in accordance with law and to take appropriate action after issuing proper notice to the parties concerned.

(6) Acknowledging the fact that the 4th respondent has already taken action and with a direction to the official respondents to take enforcement action as required in law, this Writ Petition stands **disposed of**. No costs.

[S.S.S.R., J.] [N.S., J.]
01.04.2024

AP

Internet : Yes



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S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

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