



W.P.No.28633 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28633 of 2022

D.Albert Raj

.. Petitioner

VS

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai.

3.The Commissioner,
Greater Chennai Corporation,
Chennai – 600 003.

4.The Executive Engineer – 1,
Zone 13, Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Road,
Adyar, Chennai-600 020.

5.Hiralal

.. Respondents



W.P.No.28633 of 2022

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to take action and demolish the illegal construction put up at Door No.10/20, Bharathiar Street, Lakshmipuram, Thiruvanmaiur, Chennai-600 041.

For the Petitioner : Mr.AR. Karthik Lakshmanan

For the Respondents : Mr.K.Karthik Jagannath
Government Advocate
for respondent No.1

: Ms.C.N.Vinobha
Standing Counsel
for respondent No.2

: Mr.D.B.R.Prabhu
Standing Counsel
for respondent Nos.3 and 4

: No appearance
for respondent No.5

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.AR. Karthik Lakshmanan, learned counsel for the petitioner; Mr.K.Karthik Jagannath, learned Government Advocate



W.P.No.28633 of 2022

for respondent No.1; Ms.C.N.Vinobha, learned Standing Counsel for respondent No.2; and, Mr.D.B.R.Prabhu, learned Standing Counsel for respondent Nos.3 and 4.

2. According to learned counsel for the petitioner, the Corporation has not taken action against the unauthorised building of the fifth respondent. Admittedly, the building is unauthorised. The fifth respondent had approached this Court by filing W.P.No.9060 of 2022. This Court granted three months' time to carry out the rectification of the said building. However, the fifth respondent has not carried out the rectification till date. As such, the Corporation should take action for demolition of the building.

3. The Corporation has filed an affidavit to the effect that the fifth respondent had applied for demolition and reconstruction of the said building. The application of the fifth respondent was scrutinized and demolition and reconstruction plan was accorded sanction under order dated 27.10.2022. Further, the demolition and reconstruction plan is valid up to 26.10.2027.



W.P.No.28633 of 2022

4. The Corporation has exercised its power. In case the Corporation exercised its power in an erroneous manner, it is for the aggrieved party to assail the same as may be permissible under law.

5. With these observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.27904 of 2022 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.28633 of 2022

To

WEB COPY

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State of Tamil Nadu,
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W.P.No.28633 of 2022

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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