



WEB COPY



W.P.No.35084 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.35084 of 2023

P.Ganesan

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Petitioner

v.

1. The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai 600 003
2. The Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.8, Gandhi Irwin Road, Chennai 600 008
3. The Executive Engineer
Division-37, Zone XII
Greater Chennai Corporation
Alandur, Chennai 600 016
4. The Assistant Engineer
Zone-XII, Depot-166
Chennai Metropolitan Water Supply and
Sewerage Board
No.1, New Steet, Alandur
Chennai 600 016



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5. Mr.Jamal

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Respondents

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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd and 4th respondents to remove the unauthorized construction put up by the 5th respondent in the entire premises of the Ground Floor, 1st Floor at No.6/15, 18th Street, B.V.Nagar, Nanganallur, Chennai 600 114.

For Petitioner :: Mr.T.Ramachandran

For Respondents :: Mr.D.B.R.Prabhu
Standing Counsel for R1 & R3
Mr.Y.Bhuvaneshkumar
Standing Counsel for R2
No appearance for R4 & R5

ORDER

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

This writ petition is filed for issuance of a writ of mandamus, directing the official respondents to remove the unauthorized construction put up by the fifth respondent in the entire premises of the Ground Floor, 1st Floor at No.6/15, 18th Street, B.V.Nagar, Nanganallur, Chennai.

2. The petitioner has made a specific allegation against the fifth respondent that he had put up unauthorized construction in such a way extending his building by two feet on the road side. After submitting the



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representation on 26.03.2020 followed by subsequent reminder to the official respondents, the petitioner has preferred the above writ petition for removal of the unauthorized construction put up by the fifth respondent.

3. There is no representation for the fifth respondent, despite service of notice on the fifth respondent.

4. The learned Standing Counsel appearing for the respondent Corporation has now filed a status report indicating that the petitioner as well as the fifth respondent have put up constructions in deviation of the approved plans. He also submitted that de-occupation notices dated 22.11.2023 have already been issued to the petitioner as well as the fifth respondent for such deviations.

5. Having regard to the above fact, this Court is inclined to dispose of this writ petition by directing the respondent Corporation to proceed further in pursuance of the de-occupation notices dated 22.11.2023 and take necessary enforcement action against the petitioner as well the fifth



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respondent in respect of their unauthorized constructions as per law. There shall be no order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
29.02.2024

ss

To

1. The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai 600 003
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
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Division-37, Zone XII
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S.S.SUNDAR,J.
AND



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N.SENTHILKUMAR,J.

SS

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