

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 11192 of 2015

&

M.P. No. 1 of 2015

P. Santhosh Kumar

..Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

2. The Executive Engineer,
Corporation of Chennai,
Zone-VI, No.5, Anderson Road,
Ayanavaram, Chennai - 600 023.

3. Mr. Kannappan

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st and 2nd respondents to take action on the representation dated 19.03.2015 under Sections 258 & 260 of the Chennai City Municipal Corporation Act, 1919 within a stipulated time and consequently to remove the dilapidated water head tank in the first floor terrace of the third respondent's premises bearing Old No. 14A, New No.41, Puzhal Murugesan Street, Perambur, Chennai - 600 011.

For Petitioner :: Mr.R. Manickavel

For Respondents:: Mr.P.V. Selvakumar for
R1 & R2

O R D E R

By consent of both parties, the main writ petition itself is taken up for final disposal.

2. The case of the petitioner is that adjacent to his property, the house property owned by the third respondent is located, which consists of ground plus first floor, like that of

the petitioner and in the terrace of the first floor, the third respondent has constructed an overheadwater tank. Now, due to the age of the building and improper maintenance, the overhead water tank has become dilapidated, resulting in leakage of water and at any moment, it is likely to fall down endangering human lives, especially, that of the petitioner and his family members. In this regard, the petitioner caused a legal notice dated 19.03.2015 to the third respondent for removal or repair of the overhead water tank followed by representations dated 19.03.2015 to the 1st and 2nd respondents. Though the petitioner's representations were received and acknowledged, he has not been favoured with any response. Hence, the petitioner has come forward to file this writ petition.

3. Heard Mr.R. Manickavel, learned counsel for the petitioner and Mr.P.V. Selvakumar, learned Standing Counsel, who accepts notice on behalf of respondents 1 and 2.

4. Though the petitioner has prayed for a larger relief, this Court, in the facts and circumstances of the case, directs the 2nd respondent to consider the representation of the petitioner dated 19.03.2015, after putting the 3rd respondent on notice, and pass orders, as expeditiously as possible, not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the third respondent. The writ petition is disposed of accordingly. No costs. Connected M.P. Is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv
To

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Executive Engineer,
Corporation of Chennai,
Zone-VI, No.5, Anderson Road,
Ayanavaram, Chennai - 600 023.

+ 2 ccs to M/s. Ralph Manohar, Advocate SR.21004

UG(CO)
EU 27 .04.2015

W.P. No. 11192 of 2015