

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12197 of 2015

And

M.P.No.1 of 2015

R.Hariharan

... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai.

2. The Assistant Commissioner,
Corporation of Chennai Zone - 14,
Chennai - 91.

3. The Assistant Engineer,
Division - 184, Zone - 14,
Corporation of Chennai
Chennai.

4. Mr.Karunakaran

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to suspend the sanction for demolition in Corporation of Chennai, Town Planning section, Regional office (South) sanction in WDC No.DA/WDCN14/00021/2015 dated 19.2.2015 issued to the 4th respondent.

For Petitioner : Mr.S.Subramaniam Balaji

For Respondents : Mr.P.V.Selvakumar for R1 to R3
Mr.T.Arokiadass for R4

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner claims that he is the owner of the land and superstructure bearing Door No.16/24, Karpaga Vinayagar Kovil Street, Kandanchavadi, Chennai. The next property is Door No.17 which belongs to his brother who is arrayed as the fourth respondent and he applied for demolition through his wife and General Power of Attorney Tmt.Sheela.

3.The petitioner would submit that there is dispute between him and the fourth respondent and attempts are being made to demolish the ground floor of his house in door no.16 to an extent of 5 feet X 20 feet which are load bearing walls of the entire property and in the event of demolition, his entire house will collapse. The petitioner would further state that door no.17 belongs to his brother/ fourth respondent and it was demolished few days back and his brother's General Power of Attorney with the help of several henchmen who also intimidated the police, who had come there saying that they are having the benefit of an order passed by this Court for demolition also included the petitioner's portion of the property. In this regard, the petitioner has also submitted a detailed representation to the respondents 1 to 3 and though the said representation was acknowledged even on that day, attempts are being made to demolish the premises belonging to the petitioner and therefore, the petitioner came forward to file this writ petition.

4.Heard the submissions of Mr.S.Subramaniam Balaji, learned counsel appearing for the petitioner, Mr.P.V.Selvakumar, learned Standing Counsel who accepts for the respondents 1 to 3 and Mr.T.Arokiadass, learned counsel who accepts notice for the fourth respondent.

5.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances, without going into the merits of the representation submitted by the petitioner, directs the second and third respondents to consider and dispose of the petitioner's representation dated 17.04.2015, in accordance with law, after putting on notice to the fourth respondent and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and till then, shall not take any precipitative steps, which would affect the property bearing Door No.16/24, Karpaga Vinayagar Kovil Street, Kandanchavadi, Chennai - 600 096.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai.
2. The Assistant Commissioner,
Corporation of Chennai Zone - 14,
Chennai - 91.
3. The Assistant Engineer,
Division - 184, Zone - 14,
Corporation of Chennai
Chennai.

+1cc to Mr.S.Subramaniam Balaji, Advocate, S.R.No.22569

W.P.No.12197 of 2015
And
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PVR(CO)
CA(13/05/2015)

सत्यमेव जयते

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