

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:02-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.14492 of 2015
and
M.P.No.1 of 2015

1. M.Shanthi
D/o.Late M.Madhavan Pillai
Plot No.59
Venba Avenue
2nd Street
Sithalapakkam
Chennai-126.

... Petitioner

Vs

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai-9.
2. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Chennai-8.
3. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-3.
4. The Assistant Engineer
Revenue Department
Zone 13 Division 179
115 Dr.Muthulakshmi Salai
Adyar
Chennai- 20.

5. The Chariman
TANGEDCO
Anna Salai
Chennai-2.
6. The Assistant Engineer
TANGEDCO CEDC-South, Velacherry East
Velacherry Chennai-42.
7. V.N.Jamal Mohideen
Flat No.A-12 , Padmavathi Kirpa Apartments
No.9 Ponnappan Street ,
Triplicane Chennai- 5.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 2 to 4 to consider the representation dated 13.4.2015 given by the petitioner and prevent the constructions being made by the 7th respondent at Plot No.25 Balamurugan Nagar 2nd Street (Old No.28 Ganesh Nagar Sarathi Nagar Extension) Velacherry Chennai-600 042.

For petitioner : Mr.A.V.Arun
For respondents : Mr.P.S.SivaShanmugasundaram
Spl. Government Pleader for R1
: Mr.K.Raja Shrinivas for R2
: Mr.A.Nagarajan for R3 & R4
: Mr.P.R.Dhilip Kumar for R5 & R6
: Mr.K.Natarajan for R7

सत्यमेव जयते
ORDER

Considering the limited relief sought for in this petition to the effect that a direction be issued to the authorities to consider the representation dated 13-04-2015, it is apposite to take up the matter for final disposal.

2. The respondents are represented through their respective counsel. The private respondent No.7 is represented through Mr. K. Natarajan, learned counsel. The petitioner by his representation

dated 13-04-2015 has alleged that the seventh respondent has made illegal construction at plot No.25, Balamurugan Nagar, 2nd Street (old No.28, Ganesh Nagar, Sarathi Nagar Extension) Velacherry, Chennai - 600 042. Despite representation made to all the authorities, no action has been taken till date to examine as to whether illegal construction was carried on, causing nuisance to the persons living nearby.

3. At this stage, when the petitioner sought for a direction to consider the representation, we are not inclined to go into the merits of the case. Further we deem it fit and proper to direct the respondent Nos.3, 4 and other respondents to examine the representation and take appropriate steps and action, after affording proper opportunity of hearing to the alleged encroachers, i.e., respondent No.7. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

glp

To

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai-9.
2. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Chennai-8.
3. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-3.

4. The Assistant Engineer
Revenue Department
Zone 13 Division 179
115 Dr.Muthulakshmi Salai
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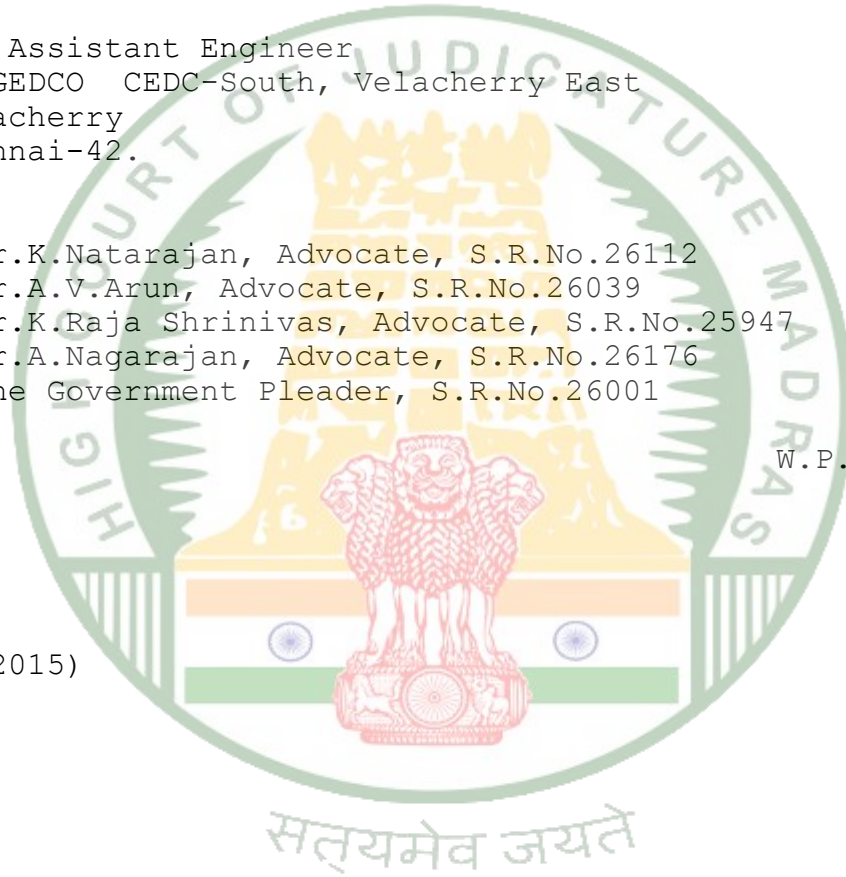
5. The Chariman
TANGEDCO
Anna Salai
Chennai-2.

6. The Assistant Engineer
TANGEDCO CEDC-South, Velacherry East
Velacherry
Chennai-42.

+1cc to Mr.K.Natarajan, Advocate, S.R.No.26112
+1cc to Mr.A.V.Arun, Advocate, S.R.No.26039
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.25947
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.26176
+1cc to the Government Pleader, S.R.No.26001

W.P.No.14492 of 2015
and
M.P.No.1 of 2015

GR(CO)
CA(09/06/2015)



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