

In the High Court of Judicature at Madras

Dated: 14.09.2015

Coram:

The Honourable Mr.Justice SATISH K. AGNIHOTRI
AND
The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.14959 of 2015
& M.P.Nos.1 to 4 of 2015

R. Mohan

..Petitioner

-Vs.-

1. The Commissioner
Corporation of Chennai
Rippon Buildings,
Chennai-3.
2. The Managing Director
The Chennai Metropolitan
Water Supply and Sewerage Board
No.1, Pumping Station Road
Chintadripet,
Chennai-2.
3. The Executive Engineer - Zone 13
Corporation of Chennai
Adyar,
Chennai-600 020.
4. The Assistant Engineer
TNEB
Padmanaban Nagar 5th Street
Adyar,
Chennai-600 020.
5. The Associated Engineering Concerns
A Partnership Firm
rep. by its Partner
H. Natarajan
No.1, Officer's Colony
1st Street, Mehta Nagar
Chennai-600 029.

..Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 4 to take action on the representation given by the petitioner on 16 May 2015 within a specified date.

For Petitioner : Mr.D.T.Janardhanan

For Respondents : Mr.V.C. Selvasekaran for RR1 & 3

Mr. P. Gunaraj for R.4

Mr.K. Venkataramani
Senior Counsel
for Mr.S.Arivazhagan for R.5

R.2 - Not ready - NA

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J)

The petitioner submitted a representation requesting the Commissioner, Corporation of Chennai to take enforcement action against the construction made by the fifth respondent. Since the said representation dated 21 March 2015 was not taken up seriously, the petitioner has come up with this writ petition.

2. We have heard the learned counsel for the petitioner, learned Standing Counsel for Chennai Corporation and the learned Senior Counsel for the fifth respondent.

3. The fifth respondent earlier filed a writ petition in W.P.No.7501 of 2015 for a direction to the Chennai Metropolitan Water Supply and Sewerage Board to provide Sewer/Water connection in the property at Door No.24, Parameshwari Nagar 1st Street, Adyar, Chennai-20. The said writ petition was disposed of by the learned Single Judge by order dated 17 March 2015. Since the order was not complied with, the fifth respondent filed contempt petition No.1381 of 2015. Similarly, another petitioner filed Contempt petition No.1299 of 2015 on account of the non compliance of the order dated 20 March 2015 in W.P.No.7986 of 2015.

4. When the contempt petitions came up for hearing, the learned Single Judge by order dated 31 July 2015 directed the Registry to post it along with this writ petition.

5. The petitioner has already submitted a representation requesting the Chennai Corporation to take up enforcement action. It is the grievance of the petitioner that the construction made by the fifth respondent was not in accordance with the building permission.

The said issue requires to be considered by the Corporation.

6. The first respondent is directed to consider and dispose of the representation submitted by the petitioner dated 21 March 2015 on merits and as per law, with notice to the fifth respondent. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. Since we directed the first respondent to dispose of the matter, necessarily the contempt petitions should be adjourned. We direct the registry to post the contempt petitions after a period of eight weeks.

8. The writ petition is disposed of with the above direction. Consequently, the connected MPs are closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Tr/
To

1. The Commissioner
Corporation of Chennai
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4. The Assistant Engineer
TNEB
Padmanaban Nagar 5th Street
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+1 cc to M/S.S.Arivazhagan Advocate sr.50308

W.P.No.14959 of 2015

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