

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.17065 of 2015
and
M.P. No.1 of 2015

N. Kannagi

... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Ripon Building, Park Town
Chennai 600 003
2. The Executive Engineer
Enforcement Cell in the Office of
Regional Joint Commissioner
Corporation of Chennai
Adyar
Chennai 600 020
3. Regma Begam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to dispose of the petitioner's representations dated 24.02.2015 and 20.03.2015 for taking action against the unauthorised construction without valid approval of building plan at the premises No.192, Lakshmi Nagar Main Road, Sridevi Kuppan, Valasaravakkam, Chennai 600 087.

For petitioner : Mr. R. Ponnusamy

For RR 1 & 2 : Mr. R. Arunmozhi, Standing Counsel

ORDER

(Order of the Court was made SATISH K. AGNIHOTRI, J.)

Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 1 and 2. It is not necessary to issue notice to the third respondent, as it is a case of only consideration of the petitioner's representation and no decision can be taken on the said representation without affording an opportunity of hearing to the third respondent. Thus, with the consent of the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 and 2, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner, claiming to be a resident of Lakshmi Nagar, II Main Road, Sri Devi Kuppam, Valasaravakkam, Chennai - 87 and lawful owner of the premises bearing Door No.193/194 in the said place, has come up with the instant writ petition, seeking a direction to the respondents 1 and 2 to consider her representation dated 24.02.2015, wherein, she has alleged that her neighbour, viz., the third respondent had put up unauthorised construction, without proper approval from the authorities, thereby, causing nuisance.

3. On the basis of the aforestated averment, we are unable to come to any conclusion and as such, we do not express any opinion. However, if a representation is pending consideration before the authorities, the authorities are under an obligation to look into the same and thereafter, after proper inspection, take necessary action for removal of the alleged unauthorised un-approved construction, in accordance with law and on merits.

4. Be that as it may, Mr. R. Arunmozhi, learned Standing Counsel for respondents 1 and 2 submits that if the aforestated representation is pending consideration, the same shall be examined and necessary consequential action shall be taken in accordance with law and on merits within a period of six weeks from the date of receipt of a copy of this order.

5. It is ordered accordingly. Needless to state that any action taken has to be subject to a proper opportunity of hearing to the alleged encroachers, including the third respondent.

6. The writ petition stands disposed of with the above observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Commissioner
Corporation of Chennai
Ripon Building, Park Town
Chennai 600 003
2. The Executive Engineer
Enforcement Cell in the Office of
Regional Joint Commissioner
Corporation of Chennai
Adyar, Chennai 600 020

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.30269
+1cc to Mr.R.Ponnusamy, Advocate, S.R.No.29589

W.P. No.17065 of 2015

KM(CO)
CA(26/06/2015)

सत्यमेव जयते

WEB COPY