

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

CORAM:

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

W.P. No.18854 of 2015 and M.P. No.1 of 2015

Tamil Selvi

...

Petitioner

Vs.

1 The Commissioner
Corporation of Chennai
Chennai 600 003

2 The Assistant Executive Engineer
New Ward No.62, Old No.81
Corporation of Chennai
Adikesavalu Street
Chintadripet
Chennai 600 002

3 A. Kaleem

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to demolish the illegal constructions constructed by the third respondent in the property bearing Old Door No.16, New No.18, Sivaprakasam Street, Narasingapuram, Chintadripet, Chennai 600 002.

For petitioner :Mr. P. Mohanraj

For RR 1 & 2 :Mrs. Karthikaa Ashok

For R3 :Mr. M. Kamalakannan

ORDER

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

The petitioner, stated to be a neighbour of the third respondent in Old Door No.16, New No.18, Sivaprakasam Street, Narasingapuram, Chennai - 2, has come up with the instant writ petition, seeking a direction to the first respondent to demolish the alleged illegal constructions put up by the third respondent in the aforestated place.

2 The sole contention of the petitioner is that the third respondent was granted approval for construction of stilt + first floor alone. Accordingly, a locking and sealing notice was issued to the third respondent for removal of the unauthorised construction of the second floor. Despite the said notice, the admitted illegal construction of the second floor still continues and as such, a direction be issued to the first respondent to ensure that the unapproved second floor be demolished.

3 The second respondent had filed an additional counter affidavit dated 15th July 2015 with a copy of the approval granted by the Chennai Corporation. As per the building plan, approval has been granted for stilt (parking) + first floor + second floor + terrace. Thus, the petitioner's allegation that the third respondent has been granted approval for stilt + first floor alone, is contrary to the approved plan.

4 We have examined the copy of the plan annexed with the additional counter affidavit. It is manifest that approval was granted to the third respondent for construction of stilt + first floor + second floor. The confusion created was on account of certain mistakes committed in other proceedings by the third respondent as well as the official respondents, which have now been rectified by the additional counter affidavit supported by the approved plan.

5 In view of the foregoing, nothing survives for adjudication in this writ petition. Accordingly, the writ petition stands dismissed. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/
सत्यमेव जयते

Sub Asst. Registrar

cad

To

1 The Commissioner
Corporation of Chennai
Chennai 600 003

WEB COPY

2 The Assistant Executive Engineer
New Ward No.62, Old No.81
Corporation of Chennai
Adikesavalu Street
Chintadripet
Chennai 600 002

+1 cc to M/s.Karthikaa Ashok, Advocate, sr.38109
+1 cc to Mr.M.Kamalakannan, Advocate, sr.38151

W.P. No.18854 of 2015

km(co)
kra(06/08)



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