

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.03.2015

CORAM:

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

W.P. No. 2411 of 2015

P. Sivagnanam

Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.
2. The Executive Engineer,
Chennai Corporation Zone -13,
Besant Nagar, Chennai 600 090.
3. R. Aarani

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents 1 and 2 to implement the order dated 03.10.2012 in W.P.No.8539 of 2012 passed by this Court in its full letter and spirit.

For petitioner

Mr. V.M. Abdul Azeez

For respondents

Mr.A. Nagarajan - R1 & R2

Mr. P. Wesley Isaac - R3

ORDER

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

The petitioner, claiming to be a neighbour of the property in question, came up with this writ petition seeking a direction to the respondents 1 and 2 to implement the order dated 3.10.2012 passed by this Court in W.P.No.8539 of 2012.

2. A Division Bench of this Court, while considering the writ petition filed by the present petitioner whereunder he has made a similar request to remove the illegal construction put up by the third respondent, directed as under:-

" we dispose of this writ petition with a direction to the concerned respondents to find out whether the construction put up by the third respondent is on the street in question. In the event, the construction is being made on the street in question, then appropriate action may be initiated against the third respondent, after giving notice to the third respondent. The Corporation of Chennai shall also ascertain as to whether the petitioner and the third respondent had constructed their buildings after obtaining the approved plans. If is it otherwise, then action shall be taken against both of them."

According to the petitioner, despite clear directions issued by this Court as aforesaid, no steps have been taken till date.

3. Pursuant to our notice, the first respondent has filed an affidavit dated 11.3.2015 indicating that to find out the exact measurement of the lands in order to ascertain the encroachment, if any, made by the third respondent on the street, several communications were sent to the Tahsildar, Velachery on 2.5.2012, 16.2.2015 and 06.3.2015. However, no response was received from him. Thereafter, on inspection, it was found that the buildings constructed by the petitioner as well as the third respondent were unauthorised/ without proper approval. Accordingly, notice for locking and sealing the premises was issued and both the buildings were locked and sealed on 06.3.2015. It is further submitted that the respondents 1 and 2 will take consequential action after affording proper opportunity of hearing, as directed earlier, to both the parties and also considering their explanation.

4. In that view of the matter, the petitioner as well as the third respondent are granted two weeks time to file their explanation/ representation against the aforesaid notice and thereafter, the respondents 1 and 2 shall take consequential action forthwith, within the statutory prescribed period. This writ petition stands disposed of accordingly. Consequently, M.P. No. 1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra

To

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.

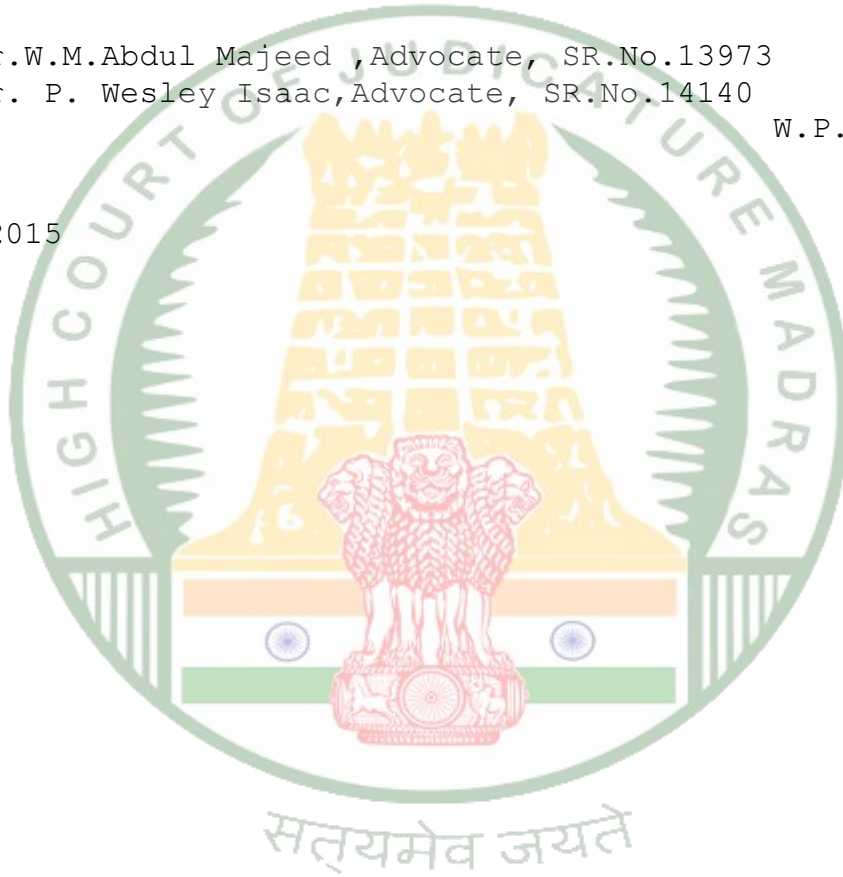
2. The Executive Engineer,
Chennai Corporation Zone -13,
Besant Nagar, Chennai 600 090.

1 cc to Mr.W.M.Abdul Majeed ,Advocate, SR.No.13973

1 cc to Mr. P. Wesley Isaac,Advocate, SR.No.14140

W.P. No.2411 of 2015

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