

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2015

C O R A M

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.25553 of 2015

and

M.P.No.1 of 2015

Mrs. P.S. Jayanthi

... Petitioner

Vs

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

2. H. Batcha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the representation of the petitioner dated 20.07.2015 by stopping the unauthorised construction constructed by the second respondent in the petitioner's land situated at 6th Street, Krishna Nagar, Palavakkam, Chennai-600 041 to secure the ends of justice.

For petitioner : Mr. R. Sankarasubbu

For respondents : Mr. V.C. Selvasekaran - R1

O R D E R

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

Mr. V.C. Selvasekaran, learned counsel, accepts notice on behalf of the first respondent. With the consent of the learned counsel for the petitioner and the learned counsel for the first respondent, this writ petition is taken up for final disposal at the admission stage itself. At present, we are not inclined to issue notice to the second respondent, as this is a case of only consideration of the petitioner's representation and no action can be taken without affording an opportunity of hearing to him.

2. This writ petition is filed seeking a direction to the first respondent to consider the petitioner's representation dated 20.07.2015 by stopping the unauthorised construction made by the second respondent in the petitioner's land situated at 6th Street, Krishna Nagar, Palavakkam, Chennai-600 041.

3. The petitioner is stated to be the absolute owner of the land situated at 6th Street, Krishna Nagar, Palavakkam, Chennai-600 041. According to the petitioner, the first respondent, without verifying as to who has got the right and title of the land, had granted planning approval to the second respondent for construction on the land belonging to her. Ergo, she made a representation dated 20.07.2015 to the first respondent to take action on the illegal construction made by the second respondent. But, there is no response for the same. Hence, the present writ petition.

4. Considering the limited scope of the relief sought in the writ petition, without going into the merits of the case, we direct the first respondent to examine the petitioner's representation dated 20.07.2015, after issuing notice to the second respondent and take a decision, on merits and in accordance with law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. This writ petition stands disposed of with the above direction. Connected Miscellaneous Petition is closed. Costs made easy.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ra
To

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

+1cc to Mr.R.Sankaransubbu, Advocate, S.R.No.43529

W.P. No. 25553 of 2015

GR(CO)
CA(02/09/2015)