

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM :

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

W.P. No.26578 of 2015
and
M.P. No.1 of 2015

D. Jayakumar

... Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai -8.
2. The Commissioner,
Corporation of Chennai, Rippon Building,
Chennai-3.
3. Mr. Sachin
4. Mr. Govindaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 & 2 to issue stop work notice against the respondents 3 and 4 carrying on unauthorised construction at Row House No. 5 & 8, Old Door No. 30 New No. 18, Audiappa Street, Purasawalkkam, Chennai-84 respectively by considering the petitioner's representation dated 07.05.2015 and notice dated 13-05-2015 in accordance with law within a reasonable time to be fixed.

For petitioner : Mr.N. Srinivasalu

For respondents : Mr. C. Johnson - R1

Mr. V.C.Selvasekaran - R2

ORDER

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

Mr. C. Johnson, learned counsel, accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned counsel, accepts notice for second respondent. Notice to respondents 3 and 4 is dispensed with, at this stage, as no consequential action shall be taken by the concerned authorities, on the petitioner's representation without notice to them. Thus, with the consent of the learned counsel for the petitioner and the learned counsel for the official respondents, this writ petition is taken up for final disposal, at the admission stage itself.

2. Alleging that the respondents 3 and 4 are trying to construct a compound wall of 30 feet height without leaving any side setback and also without any sanction from the Corporation, the petitioner has addressed a representation dated 07.05.2015 to the second respondent to issue a stop work notice to them. He has also sent a legal notice dated 13.05.2015 to the official respondents to stop the above said alleged illegal construction. Finding no response from the authorities, the petitioner has come up with this writ petition for a direction to the concerned authorities to take action for removal of the aforestated alleged illegal construction.

3. Considering the scope of the relief sought by the petitioner, without expressing any opinion on the merits of the case, we direct the official respondents to consider the petitioner's representation dated 07.05.2015 and the legal notice dated 13.05.2015 and pass appropriate orders on merits and in accordance with law, after proper survey and inspection of the site by a responsible officer and if it is found that there is any illegal construction, as alleged by the petitioner, take necessary action for removal of such illegal construction, after proper notice to the alleged violators, viz., respondents 3 and 4. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of with the above observation and direction. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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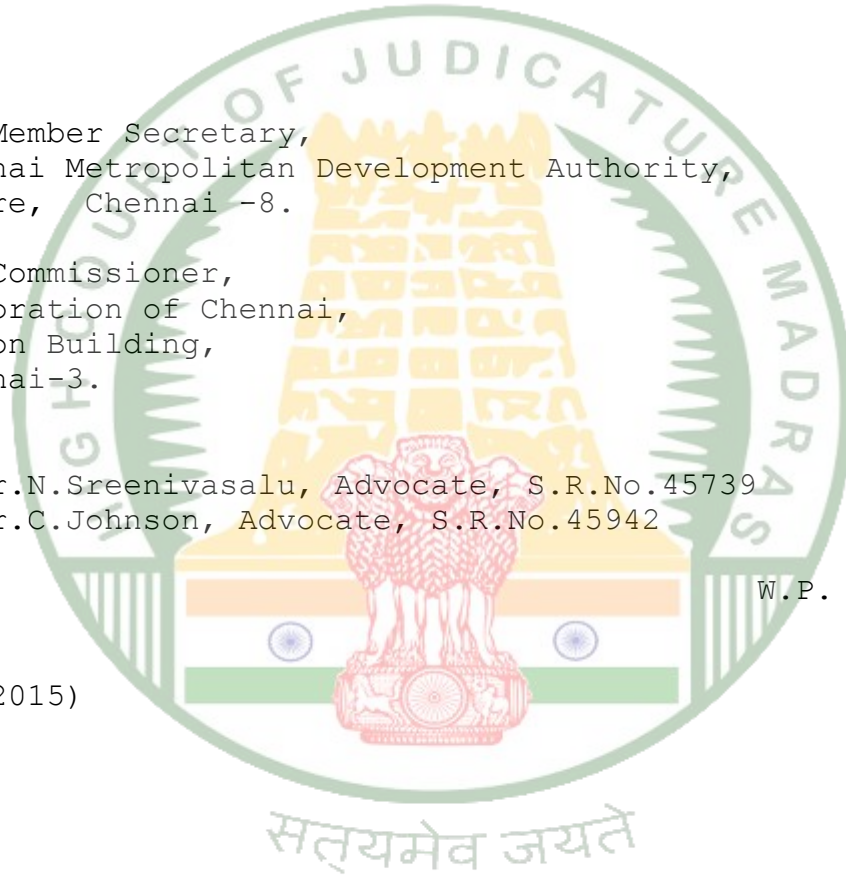
To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai -8.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-3.

+1cc to Mr.N.Sreenivasalu, Advocate, S.R.No.45739
+1cc to Mr.C.Johnson, Advocate, S.R.No.45942

W.P. No.26578 of 2015

PPA(CO)
CA(11/09/2015)



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