

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

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

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.27030 of 2015

1. Joe Selvaraj

2. Katie Ponmalar Selvaraj

... Petitioners

Vs.

1. The Commissioner,
Chennai Municipal Corporation,
Chennai-3.

2. The Zonal Engineer,
Corporation of Chennai, Division 44,
Ward No. 196 Zone XV.

3. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irvin Road, Chennai-8.

4. Ravi Chandran,
Prahala Nagar, 2nd Avenue,
2nd Cross Street,
Chennai-41.

... Respondents

सत्यमेव जयते

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 3 to stop all the unauthorised and illegal constructions put up in S.No.208, Prabhala Nagar, 2nd Avenue, 2nd Cross Street, Chennai-41, which comes under Zone XV, Division 44, Ward 196 of the Corporation of Chennai being constructed by the fourth respondent by considering the representation dated 07.04.2015 to the first and second respondents followed by the complaint dated 08.06.2015 to the first respondent within the time frame as may be fixed by this Court.

For petitioners : Mr. P. Raja

For respondents : Mr. V.C. Selvasekaran - R1 & R2
Mr.C. Johnson - R3

ORDER

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

Mr. V.C. Selvasekaran, learned counsel, accepts notice on behalf of the respondents 1 and 2 and Mr. C. Johnson, learned counsel, accepts notice on behalf of the third respondent. Notice to the fourth respondent is dispensed with, at this stage, as no consequential action shall be taken by the concerned authorities, on the petitioners' representation without notice to him. Thus, with consent of the learned counsel for the petitioners 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 fourth respondent is trying to construct a building on the southern side of his property, without leaving any side setback and also without any approval from the Corporation, the petitioners have addressed a representation dated 07.04.2015 to the respondents 1 and 2 bringing to light, the said unauthorised construction. In this regard, they have also made a complaint on 08.06.2015 to the first respondent. Finding no response from the authorities, the petitioners have come up with this writ petition for a direction to the concerned authorities to take necessary action as against the alleged unauthorised construction.

3. Considering the scope of the relief sought by the petitioners, without expressing any opinion on the merits of the case, we direct the official respondents to consider the petitioners' representation dated 07.04.2015 and their subsequent complaint dated 08.06.2015 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 petitioners, take necessary action for removal of such unauthorised construction, after proper notice to the fourth respondent. 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 IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Chennai Municipal Corporation,
Chennai-3.
2. The Zonal Engineer,
Corporation of Chennai, Division 44,
Ward No. 196 Zone XV.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irvin Road, Chennai-8.

+1cc to Mr.C.Johnson, Advocate, S.R.No.46753

W.P. No.27030 of 2015

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

सत्यमेव जयते
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