

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2015

CORAM :

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

W.P. No.30004 of 2015
and
M.P. No.1 of 2015

S. Sarala, rep.by the
Power of the Attorney C.D.E.Rani

... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Ripon Building
George Town, Chennai

2. The Executive Engineer
Building and Construction Zone-VII
Corporation of Chennai
Pulla Avenue
Shenoy Nagar, Chennai

3. N. Priya

4. Villamurugu Porselvi

5. A.L.S. Vadivel

6. N. Annamalai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to take action on the petitioner's representation dated 23.02.2015 in respect of the unauthorised construction put up by the respondents 3 to 6 in the property measuring an extent of 3,000 sq. ft. bearing Plot No.18 & adjoining lands, situated in Murugappa Reddy Street, Chennai 53 comprised in Survey No.620, Ambattur Village, Ambattur Taluk, Thiruvallur District.

For petitioner : Mr. G. Arulmurugan
for M/s. V. Devendhiran

For RR 1 & 2 : Mr. R. Arunmozhi
Standing Counsel

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 1 & 2. With the consent of the learned counsel on either side, the writ petition is taken up for disposal, at the admission stage itself. Notice to the private respondents is dispensed with at this stage, as no adverse order is passed against them.

2. This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to take action on the petitioner's representation dated 23 February 2015 in respect of the unauthorised construction put up by the respondents 3 to 6 in the property measuring an extent of 3,000 sq. ft. bearing Plot No.18 & adjoining lands, situated in Murugappa Reddy Street, Chennai - 600 053 comprised in Survey No.620, Ambattur Village, Ambattur Taluk, Thiruvallur District.

3. The case of the petitioner is that the respondents 3 to 6 have made the aforesaid construction in deviation and violation of the building plan approved by the Chennai Corporation. Thus, a direction be issued to the official respondents 1 and 2 to examine the representation dated 23 February 2015 made by her in this regard and take consequential action thereon.

4. On a perusal of the petitioner's representation, it is noticed that while pointing out the alleged deviations made by the private respondents, the petitioner has sought a direction to revoke or cancel the approval granted to them.

5. We are afraid that we cannot issue such a direction at the instance of the petitioner in this writ petition without affording an opportunity of hearing to the private respondents. However, we direct the Chennai Corporation to cause a proper inspection of the site in question and on inspection, if it is found that there is violation of the approved plan, the Chennai Corporation is under an obligation to take necessary action on merits and in accordance with

law, of course, after affording an opportunity of hearing to the alleged violators.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Commissioner
Corporation of Chennai
Ripon Building
George Town, Chennai
2. The Executive Engineer
Building and Construction Zone-VII
Corporation of Chennai
Pulla Avenue
Shenoy Nagar, Chennai

+1cc to Mr.V.Devendhiran, Advocate, S.R.No.51926
+1cc to M/s.R.Arunmozhi, Advocate, S.R.No.51925

W.P. No.30004 of 2015

PA(CO)
CA(30/09/2015)

सत्यमेव जयते

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