

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27/10/2015

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.33955 of 2015

M/s.Hot Male Retail Pvt Ltd
rep. By its Director
Prince Kumar Baghmar
Old Washermenpet
Chennai 600 021.

...Petitioner

Vs

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Egmore
Chennai 600 008.
2. The Regional/Joint Commissioner
Deputy Commissioner
Corporation of Chennai
Zone Central, VI to X
Anna Nagar
No.128 Pulla Avenue
Thiru Vi Ka Nagar
Shenoy Nagar
Chennai 600 030.
3. Surya Restaurant
rep. By its Proprietor
Maruthi Complex, First Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road, Ambattur
Chennai 600 053.
4. M/s. Mayuri Electricals
rep. By its Proprietor
Maruthi Complex, Ground Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road, Ambattur
Chennai 600 053.

5. M/s. Vasantham Readymades
rep. By its Proprietor
Maruthi Complex, Ground Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road Ambattur
Chennai 600 053.
6. Ms. P.Vijayalakshmi
Maruthi Complex, Ground Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road Ambattur
Chennai 600 053.
7. Mr.J.Nazeem
Maruthi Complex, Ground Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road Ambattur
Chennai 600 053.
8. M/s. Kalyani Covering
rep. By its Proprietor
Maruthi Complex, Ground Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road Ambattur
Chennai 600 053.
9. Snegam Beauty Parlour
rep. By its Proprietor
Maruthi Complex, Ground Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road Ambattur
Chennai 600 053.
10. New Gents Beauty Parlour
rep. By its Proprietor
Maruthi Complex, Ground Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road Ambattur
Chennai 600 053.
11. I Serve
rep. By its Proprietor
Maruthi Complex, Ground Floor
Door No.412, Plot Nos.11 & 12 (part)
MTH Road
Ambattur
Chennai 600 053.

...Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus to direct the respondents 1 and 2 to demolish the unauthorised construction put up by the erstwhile vendor of the petitioner without approved plan or permission from the respondents 1 and 2 viz., Maruthi Complex, Door No.412, Plot Nos.11 and 12 (Part) MTH Road, Ambattur, Chennai 600 053 comprised in S.No.607/2 part, Ambattur Village, Ambattur Taluk, Thiruvallur Disstrict, measuring 4900 Sq. feet situated within the Sub-Registration District of Ambattur and Registration District of North Chennai which are now occupied by the respondents 3 to 11.

For Petitioner : Mr.V.Bhiman
for
M/s.Sampathkumar & Associates

For Respondents : Mr.K.Raja Srinivas
for R.1
Mr.V.C.Selvasekaran for R.2.

O R D E R
(Delivered by SATISH K. AGNIHOTRI,J.,)

Mr. K. Raja Srinivas, learned Standing Counsel, accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for the second respondent. Notice to respondents 3 to 11 is dispensed with at this stage, as no adverse order is passed against them. Thus, with the consent of the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 and 2, the writ petition is taken up for final disposal, at the time of admission itself.

2. The petitioner company is the subsequent purchaser of the property in question which was earlier owned by one Santhanam. According to the petitioner, the said erstwhile owner Santhanam had given "no objection" for demolition of the building on 10.04.2015. Notwithstanding the same, no steps have been taken by the respondents 1 and 2. Thus, the petitioner is before this Court for a direction to the respondents 1 and 2 to demolish the building in question put up by the erstwhile owner Santhanam.

3. The learned Standing Counsel for Chennai Metropolitan Development Authority and also the learned Standing Counsel for Chennai Corporation, submit that the Government of Tamil Nadu has issued G.O.(Ms.) No.99, Personnel and Administrative Reforms (A) Department dated 21 September 2015, laying down the revised procedures for dealing with grievance petitions submitted by the citizens of the State. The relevant portion of the said Government Order is usefully extracted hereunder:

"3. Accordingly, the following revised procedures issued for dealing with the grievance petition received through online and offline in the Government Offices:

i. An acknowledgement should go immediately and at the most, within three days of the receipt of grievance petitions.

ii. Grievance itself should be redressed within a maximum period of one month of its receipt and it should be with a speaking order in the event of a redressal or rejection if found necessary.

iii The citizens approaching the Government departments with their grievance petitions should be informed of the progress of his/her grievance.

iv In case, for some reason, additional time is required for its finalisation, the person, who has given grievance petition, should be informed in writing for the extended period of time for its finalisation.

v In case, it is not found feasible to accede to his/her request, a reasoned reply may be issued to the aggrieved citizen within the stipulated time limit of one month.

4 All the Government offices are directed to strictly adhere to the above said procedures for dealing with the grievance petition received in the Government offices. All the Government offices are requested to communicate these instructions for compliance to the subordinate offices also."

4. The aforesaid Government Order was placed in W.P.No.25887 of 2015, wherein, a coordinate Bench of this Court, upholding the same, directed the Government authorities to strictly adhere to the procedures set out therein.

5. In view of the above, the letter of "no objection" dated 10.04.2015 submitted by the erstwhile owner of the building in question, deserves to be considered on merits and in

accordance with law.

6. Accordingly, without going into the merits of the case, we direct the respondents 1 and 2 to take a decision on merits and in accordance with law, at the earliest, preferably within a period of two weeks from today. The authorities are also obliged to examine the locus of the complainant in making the grievance.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ra.

To

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Egmore
Chennai 600 008.
2. The Regional/Joint Commissioner
Deputy Commissioner
Corporation of Chennai
Zone Central, VI to X
Anna Nagar No.128 Pulla Avenue
Thiru Vi Ka Nagar
Shenoy Nagar, Chennai 600 030.

1 CC to Mr.K.Raja Srinivas, Advocate SR.No. 58243

1 CC to M/s.Sampathkumar & Associates, Advocate SR.No. 59353

W.P. No.33955 of 2015

SVI (CO)

PSI (06.11.2015)