

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM:

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

W.P. No.34223 of 2015 and M.P. No.1 of 2015

D. Ganesh

Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Chennai 600 003

2 The Assistant Engineer
Zone 9, Division 124
Corporation of Chennai
Kutchery Road
Mylapore, Chennai 600 004

3 Suresh

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 against the third respondent for doing unauthorised construction and remove the encroachment in the open space common pathway as per the provisions of the Chennai City Municipal Corporation Act, 1919 and Chennai City Corporation Building Rules, 1972.

For petitioner Mr. N.S.N. Krishnakumar

For RR 1 & 2 Mr. A. Nagarajan, Standing
Counsel

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 1 and 2. Notice to the third respondent is

dispensed with at this stage, as no adverse order is passed against him. 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 admission stage itself.

2 This writ petition is filed seeking a direction to the official respondents to take action against the private respondent for putting up unauthorised construction and remove the encroachment made by him in the open space common pathway as per the provisions of the Chennai City Municipal Corporation Act, 1919 and Chennai City Corporation Building Rules, 1972.

3 The facts, as projected by the petitioner are that he understands that the third respondent is putting up construction sans approval from the authorities concerned. Ergo, he made a representation to the respondents 1 and 2 on the 19th instant, to cause inspection of the property in question and take appropriate decision as per law, if the construction is unapproved and illegal. Finding no response from the authorities, this writ petition is filed for the aforestated relief.

4 At the threshold, it has to be pointed out that the petitioner, having addressed representation only on the 19th instant, without affording a reasonable opportunity to the authorities to consider and pass orders on the same, has virtually rushed to this Court with the instant writ petition on the 26th instant, i.e., within a span of one week.

5 The Government of Tamil Nadu, by G.O.(Ms.) No.99, Personnel and Administrative Reforms (A) Department dated 21 September 2015, which was approved by a coordinate Bench of this Court in W.P.No.25887 of 2015, has prescribed to the authorities, a maximum period of 30 days to take action on the representations submitted by the citizens of the State.

6 In such view of the matter, we are left with no other option except to direct the authorities to examine the petitioner's representation dated 19th instant and take consequential decision on merits and in accordance with law.

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

Sd/-
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

- 1 The Commissioner
Corporation of Chennai
Chennai 600 003
- 2 The Assistant Engineer
Zone 9, Division 124
Corporation of Chennai
Kutchery Road
Mylapore, Chennai 600 004

+1cc to Mr.N.Krishnakumar, Advocate Sr.58267
+1cc to Mr.A.Nagarajan, Advocate Sr.58322

W.P. No.34223 of 2015

gr[co]
srg 3/11/2015

सत्यमेव जयते

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