

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.36598 of 2015 and M.P. No.1 of 2015

P. Uma Suresh

Petitioner

Vs.

1 Corporation of Chennai
represented by its Regional Deputy Commissioner (Central)
Door No.36-B, II Cross Street
Pulla Avenue
Shenoy Nagar
Chennai 600 030

2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

3 The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board Shopping Complex
Anna Nagar
Chennai 600 101

4 Suresh Babu

5 Grand Florist
Partners: Gopal and Gopi
AI-Block, No.2, Shanthi Colony Main Road
Anna Nagar
Chennai 600 040

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the unauthorised construction put up by the fourth respondent herein in the vacant open space available in the front side of the premises bearing No.2, AI Block, Shanthi Colony Main Road, Anna Nagar, Chennai 600 040 wherein the 5th respondent is presently running a flower and bouquet shop under the name and style of "Grand Florist".

For petitioner Mr. R. Suresh Kumar

For R1 Mr. A. Nagarajan, Standing
Counsel

For R2 Mr. K. Raja Srinivas
Standing Counsel

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. A. Nagarajan, learned Standing Counsel, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned Standing Counsel, accepts notice for the second respondent. Notice to other respondents is dispensed with at this stage, since no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner, learned Standing Counsel appearing for the first respondent and learned Standing Counsel appearing for the second respondent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 3 to remove the unauthorised construction put up by the fourth respondent in the vacant open space available in the front side of the premises bearing No.2, AI Block, Shanthi Colony Main Road, Anna Nagar, Chennai 600 040, wherein, the 5th respondent is presently running a flower and bouquet shop under the name and style of "Grand Florist".

3 Today, when the matter is taken up for hearing, the learned counsel for the petitioner submits that it would suffice if the petitioner's representation dated 12 October 2015 addressed to the official respondents, is directed to be considered and disposed of within a time frame.

4 In view of the above submission made by the learned counsel for the petitioner, without going into the merits of the case, we direct the official respondents to consider and pass orders on the petitioner's representation dated 12 October 2015 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the private respondents shall be afforded an opportunity of hearing before taking any coercive action, if need be.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad
To

- 1 The Regional Deputy Commissioner (Central)
Corporation of Chennai
Door No.36-B, II Cross Street
Pulla Avenue
Shenoy Nagar
Chennai 600 030
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
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- 3 The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board Shopping Complex
Anna Nagar
Chennai 600 101

+1 cc to Mr.N.V.Margandeyan Advocate sr.62517
+1 cc to Mr.K.Raja Srinivas Advocate sr.62538

सत्यमेव जयते

W.P. No.36598 of 2015

aa25/11/2015

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