

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.21839 of 2012

1.A.Devika
2.A.Raghavi
both minor rep.by their father
B.Ashok Kumar ...Petitioners

vs.

1. The Commissioner,
Corporation of Chennai,
Chennai.
2. The Executive Engineer,
Zonal Revenue Officer,
Zone-I, Corporation of Chennai,
No.26, T.H.Road, Chennai - 600 021.
3. Tulichand Dhaka ...Respondents

[cause title amended as per
order dt.31.8.2012 in MP.1/2012]

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st and 2nd respondents to enquire and proceed upon the representation prepared on behalf of the petitioners on 7.6.2012 with the 2nd respondent praying for removal of dilapidated construction of overhead tank put up by the 3rd respondent at the premises No.341/272-B2, Thiruvottiyur High Road, Old Washermenpet, Chennai-600 021.

For petitioners : Mr.P.G.Thiyagu

For respondents : Mr.A.Nagarajan for R1 & R2
No appearance for R3

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to issue a Writ of Mandamus, directing the 1st and 2nd respondents to enquire and to proceed upon the representation of the petitioners, dated 7.6.2012, and to remove the overhead tank put up by the 3rd respondent, at the premises bearing No.341/272-B2, Thiruvottiyur High Road, Old Washermenpet, Chennai, as it is in a dilapidated condition.

3. Paragraph Nos.6 to 8 of the counter affidavit, dated 1.10.2012, filed on behalf of the 1st respondent, read as follows:-

"6.I submit that the third respondent has already erected Sintex tank in addition to his overhead tank. The petitioner herein wants the third respondent to demolish his old and dilapidated overhead tank which was constructed many years ago, since water from the overhead tank is leaking in the house. But on enquiry, the third respondent informed that he is not storing any water in that overhead tank and that the storing of water in the Sintex Tank, which is erected adjacent to the overhead tank.

7. I state that the subject matter of this Writ Petition is a dispute between the petitioner and the third respondent only. But based on the representation given by the petitioner herein, an enquiry with the third respondent has been conducted and it was found that the third respondent was storing water only in the Sintex tank which is constructed adjacent to the overhead tank, and the overhead tank was in a dry state of condition.

8.I respectfully submit that the petitioner herein as well as the third respondent herein had constructed buildings without sanctioned plan from the competent authority. The notice under sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, had been duly served on 22.8.2012. Further action is also being contemplated to seal the buildings owned by the petitioner as per due process of law."

4. In view of the statements made, in paragraph Nos.6 to 8 of the counter affidavit, filed on behalf of the 1st respondent, no further orders are necessary, in the present Writ Petition. Hence, the Writ Petition stands closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gs.

To

1. The Commissioner,
Corporation of Chennai,
Chennai.
2. The Executive Engineer,
Zonal Revenue Officer,
Zone-I, Corporation of Chennai,
No.26, T.H.Road,
Chennai - 600 021.

1 CC to Mr.A.Nagarajan, Advocate SR.No. 57207

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MG (CO)
PSI (18.11.2015)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital at its base. The gopuram is flanked by two green palm trees. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green border around the central image. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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