

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2015

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE DR.JUSTICE P.DEVADASS

WP.No.37847/2015

Mr.Radha Krishnan

.. Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Rippon Building, No.1131,
EVR Periyar Salai, Park Town
Chennai 600 003.

2 Assistant Commissioner
Zone VI, Corporation of Chennai
Chennai 600 023.

3 Mr.J.D.Sekar

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the 1st and 2nd respondents to implement the order dated 03.07.2015 bearing No.ZO.VI.C.No.R1/876/2014 of the 2nd respondent by removing the unauthorised construction in the 2nd floor in the building at Door No.21/5 First Main Road, Jawahar Nagar, Chennai-82 within the time frame to be stipulated by this Court.

For Petitioner : Mr.C.Ananda Ramani
For RR 1 and 2 : Mr.V.C.Selvasekaran

ORDER

[Order of the Court was made by DR. P.DEVADASS, J.,]

Heard the learned counsel for the petitioner and Mr.V.C.Selvasekaran, who accepts notice on behalf of the respondents 1 and 2 and by consent, the main writ petition is taken up for final disposal at the admission stage.

2 The grievance of the petitioner is that the 3rd respondent who is running Hotel Ganga, has went out of the

planning permission and committed certain excess in violation of the same. In such circumstances, earlier the writ petitioner came forward to this Court by filing WP.No.13306/2014. On 05.11.2014, this Court, pointed out that there is a temporary shed on the terrace of the building without permission and directed follow-up action.

3 In the circumstances, vide his letter dated 03.07.2015, the 2nd respondent, namely, the Assistant Commissioner, Zone-VI, Corporation of Chennai, has assured the petitioner taking up of follow-up action. Since there was inaction, petitioner again came forward to this Court with the present writ petition seeking direction to the 2nd respondent to take action as against the 3rd respondent in pursuance of their own letter dated 03.07.2015.

4 Learned counsel representing respondents 1 and 2 / Corporation assured taking of follow-up action.

5 Though the said letter has been written as early as on 03.07.2015, no concrete action has been taken so far. In the circumstances, the petitioner has been constrained to approach this Court for issuance of a mandamus to the public authority to discharge their public function.

6 In the circumstances, we direct respondents 1 and 2 to take follow-up action in pursuance of the letter of the Assistant Commissioner, Zone-VI, Corporation of Chennai, dated 03.07.2015, after giving notice to the 3rd respondent, observing all the requirements of law. We make it clear that this exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7 The writ petition is disposed of accordingly. No costs.
AP

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1 The Commissioner
Corporation of Chennai
Rippon Building, No.1131,
EVR Periyar Salai, Park Town
Chennai 600 003.

2 Assistant Commissioner
Zone VI, Corporation of Chennai
Chennai 600 023.

+ 1 cc to Mr.L.Anandaramani, Advocate SR 64753

rsy(co)
prk14/12

WP.No.37847/2015



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