

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2015

CORAM:

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

W.P. No.38411 of 2015

D. Jesuvathi Sornalatha

... Petitioner

Vs.

1. The Deputy Commissioner,
Regional Office - Central,
Corporation of Chennai,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

2. V. Gunasekar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to consider the petitioner's representation dated 23.09.2015 giving to the respondent and pass orders for inspection and enquiry according to the law at the earliest.

For petitioner : Mr. V.T. Balaji

For respondents : Mr. A. Nagarajan - R1

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. A. Nagarajan, learned counsel, accepts notice for the first respondent. Notice to the second respondent is dispensed with at this stage, inasmuch as no adverse order is passed against him in this writ petition. Thus, with the consent of

the learned counsel for the petitioner and the learned counsel appearing for the first respondent, 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 first respondent to consider the petitioner's representation dated 23 September, 2015 and pass orders for inspection and enquiry.

3. On perusal of the pleadings, it is evident that the residents of KKR Avenue Colony, made a representation to the Corporation on 01 September 2015. Taking cognizance of the same, the Corporation caused a site inspection of the building at Plot No.8, K.K.R. Avenue, Perambur, Chennai, on 16 September 2015. Finding unauthorised construction on the site, a notice dated 18 September 2015 was issued calling upon the petitioner to submit an approved plan or face the consequential action of discontinuance of usage, recovery of cost of expenses, etc.

4. The petitioner in response to the said notice, made a representation on 23 September, 2015 pointing out certain other illegal/unauthorised construction allegedly made by the second respondent.

5. It is an unique case. In order to protect his unauthorised construction, the petitioner has come up with this writ petition raising his finger towards other unauthorised constructions. Thus, the unauthorised constructions made by either the petitioner or other parties, have to be removed and the buildings must be in accordance with the approval granted by the authorities.

6. In such a situation, we are inclined to direct the first respondent to have spot inspection of all the adjacent buildings and take consequential action immediately in accordance with law to ensure that all the buildings are in accordance with the approval granted to them. In the case on hand, a notice calling for approval was served on the petitioner, way back in September, 2015 giving him 3 days time. But, it is not clear as to whether the authorities have proceeded in the matter further. Accordingly, the authorities are directed to take action forthwith against the petitioner if proper response is not forthcoming and proceed in accordance with law.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

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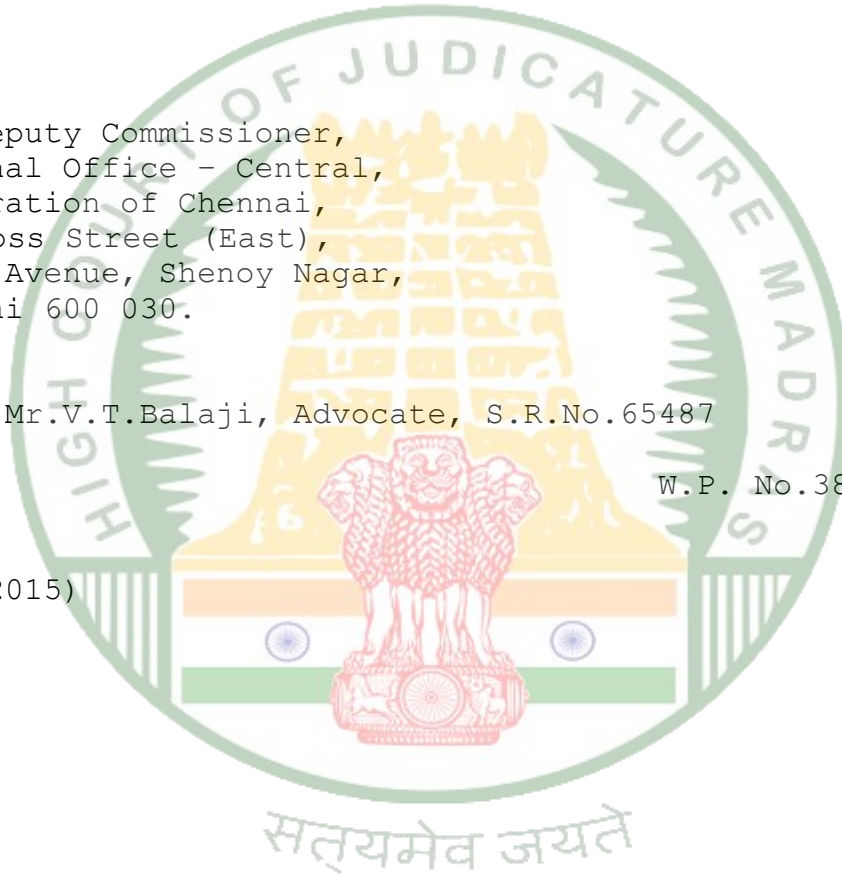
To

1. The Deputy Commissioner,
Regional Office - Central,
Corporation of Chennai,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

+2cc's to Mr.V.T.Balaji, Advocate, S.R.No.65487

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KK(CO)
CA(16/12/2015)



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