

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM:

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

W.P. No.39652 of 2015

1 S.Ravichandran
2 Thamilselvan
3 V.S.Sharma
4 Chandralekha
5 Venugopal
6 Arunkumar
7 Smt.Prema Sairam
8 Lakshmi

Petitioners

Vs

1 The Member Secretary
Chennai Metropolitan
Development Authority
No.1 Gandhi Irwin Road
Chennai-8.

2 The Commissioner of Chennai
Corporation, Corporation of
Chennai 1131
EVR Periyar Salai Park Town Rippon
Buildings Chennai-3.

3 The Regional Deputy
Commissioner, Corporation
of Chennai, Zonal Office
No.12B Pulla Avenue,
Thiru Vi Ka Park Shenoy Nagar
Chennai-30.

4 Mr.Ulagarakshagan
S/o.Late M.Sadagopan,
No.4 Anusuya Street
Nagarjuna Nagar,
Rangarajapuram, Kodambakkam ,
Chennai-34.

Respondents

Writ Petition filed under Article 226 of the Constitution seeking a writ of mandamus directing the respondents 2 and 3 to implement the directive of the 1st respondent as regards taking enforcement action mentioned in the reply dated 28.10.2015 of the 1st respondent against the 2 flats illegally constructed in the said Sri Ayyappa Apartment situated at Old No.20/1, New No.37/1, Elangoadigal Street, Padmanabha Nagar, Choolaimedu, Chennai-600 094 in spirit and substance within the time frame.

For petitioners Mr.K. Ravi Anantha Padmanaban

For respondents Mr. K. Raja Srinivas - R1
Mr. R. Arunmozhi - R2 & R3

ORDER

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

Mr. K. Raja Srinivas, learned counsel, accepts notice for the first respondent. Mr. R. Arunmozhi, learned counsel, accepts notice for the respondents 2 and 3. Notice to the fourth 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 for the official respondents, 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 2 and 3 to implement the direction of the 1st respondent in taking enforcement action mentioned in the reply dated 28 October 2015 against the two flats illegally constructed in the said Sri Ayyappa Apartment situated at Old No.20/1 New No.37/1, Elangoadigal Street, Padmanabha Nagar, Choolaimedu, Chennai-600 094 in spirit and substance within a time frame.

3 It is stated by the learned counsel for the petitioner that taking note of the petitioner's representation dated 07 August, 2015, the first respondent, on 28 October 2015, sent a copy of the petitioner's complaint to the third respondent/Regional Deputy Commissioner, Corporation of Chennai, calling upon him to take enforcement action against the alleged illegal construction made by the fourth respondent. But, till date, no action has been taken on the said complaint.

4 Be that as it may, without going the rights of the petitioner, since the construction made illegally is being pointed out, it is incumbent on the authorities to act on the said information at the earliest and take consequential action,

pursuant to the communication dated 28 October 2015 sent by the first respondent.

5 Accordingly, we direct the respondents 2 and 3 to examine the petitioner's complaint after conducting the spot inspection and affording an opportunity of hearing to the alleged encroachers, and take consequential action, in accordance with law and on its own merits. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

This writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ra

To

- 1 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road Chennai-8.
- 2 The Commissioner of Chennai Corporation,
Corporation of Chennai 1131
EVR Periyar Salai Park Town Rippon
Buildings Chennai-3.
- 3 The Regional Deputy,
Commissioner, Corporation of Chennai,
Zonal Office No.12B Pulla Avenue,
Thiru Vi Ka Park Shenoy Nagar Chennai-30.

+1cc to Mr.K. Ravi Anntha, Advocate, S.R.No.68352
+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.67991
+1cc to Mr.K. Raja Srinivas, Advocate SR.69052

CTK(CO)
EU(8/01/2015)

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