

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.8837 of 2015

G. Palani

...Petitioner

vs.

1 The Member Secretary
Chennai Metropolitan Development Authority
Thala Muthu Natarajar Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2 The Commissioner
Corporation of Chennai
Ripon Building
Park Town
Chennai 600 003

3 The Executive Engineer
Corporation of Chennai
Zone No.IX
No.1, Lake Area, IV Cross Street
Nungambakkam
Chennai 600 034

4 A.S. Khader Basha

5 M.B. Habeebur Rahman

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the third respondent to consider the petitioner's representation dated 13.12.2014.

For petitioner : Mr. K. Murali
For R1 : Mr. K. Raja Shrinivas
For RR 2 & 3 : Mr. G. Anantharangan

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. K. Raja Shrinivas, learned Standing Counsel, takes notice for the first respondent. Mr. G. Anantharangan, learned Standing Counsel, takes notice for respondents 2 and 3. It is not necessary to issue notice to respondents 4 and 5 as it is a case of only consideration of the petitioner's representation and no decision can be taken on the said representation without affording an opportunity of hearing to those respondents. Thus, we are passing this order at the admission stage itself, without issuing notice to the said respondents.

2 The petitioner, aggrieved by the alleged unauthorised construction put up by the private respondents herein, has submitted a representation dated 13.12.2014 to the third respondent, seeking removal of the said unauthorised construction. Finding no response to the said representation, the petitioner has come up with the instant writ petition seeking a direction to the third respondent to consider and pass orders on his aforesated representation, within a time frame.

3 Considering the limited nature of the relief sought by the petitioner, we direct the third respondent to consider and pass orders on the petitioner's representation dated 13.12.2014 on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Needless to state that the alleged encroachers shall be given a due opportunity of hearing before orders are passed on the petitioner's representation.

4 With the above direction and observation, the writ petition stands disposed of. Costs made easy.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Thala Muthu Natarajar Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
 - 2 The Commissioner
Corporation of Chennai
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 - 3 The Executive Engineer
Corporation of Chennai
Zone No.IX
No.1, Lake Area, IV Cross Street
Nungambakkam
Chennai 600 034
- 1 CC to Mr. K. Murali, Advocate SR.No. 17397
- 1 CC to Mr. K. Raja Shrinivas, Advocate SR.No. 17713
- 1 CC to Mr. G. Anantharangan, Advocate SR.No. 17591

W.P. No. 8837 of 2015

VGI (CO)
PSI (09.04.2015)

सत्यमेव जयते

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