

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7588 of 2014
and
MP.No.1 of 2014

K.Maiyyan

... Petitioner

vs.

- 1.The Commissioner of Police,
Egmore, Chennai 600 008.
 - 2.The Chairman, Tamil Nadu Electricity Board,
Chennai 600 002.
 - 3.The Managing Director,
Metro Water & Sewerage Board,
Chennai 600 002.
 - 4.The Designated Officer,
Food Safety Department,
Tamil Nadu Food Safety & Drug Administration Department,
Chennai 600 006.
 - 5.The Revenue Officer,
Corporation of Chennai,
Chennai -3.
 - 6.The Health officer,
Corporation of Chennai,
Chennai -3.
 - 7.S.Dharmalingam
 - 8.Vimala Dharmalingam
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 01.10.2013.

For Petitioner : Mr.R.Shanmugam for
M/s.Shanmugha Associates

For Respondents : Mrs.P.Rajalakshmi, GA (R1)
Mr.P.Chinnadurai (R4)
Mr.M.Jothi Kumar (R3)
Mr.P.V.Selvakumar (R5 & R6)

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 01.10.2013.

2. It is the case of the petitioner that he is an occupant of Flat No.A22, Yamuna Homes, Parameswari Nagar, 4th Street, Adyar, Chennai and is a member of Yamuna Homes Flat Owners Association which was formed by all the occupants of Yamuna Homes, for the welfare of its members. The said Yamuna Homes is purely a residential complex and no commercial activity is permitted. While so, the respondents 7 and 8 and their family members have been unauthorisedly carrying on several commercial activities in A1, A2, A17, A18, A19, A20, B21, B22 and B28 in Yamuna Homes by running a combined ladies and gents hostel without any permission or license from the competent authorities. Taking advantage of such atmosphere, several unknown persons with criminal background are frequently visiting to the said building even at late night hours. When the petitioner and other occupants questioned the same, they were threatened by some unknown persons, due to which, the occupants are feeling danger to their lives and belongings.

3. It is the further case of the petitioner that there are several criminal cases pending against respondents 7 and 8. Though the petitioner as well as Yamuna Homes Flat Owners Association made several complaints for misusing the residential flats as commercial flats to all the respondents, no action has been taken by the authorities against such illegal activities being committed in the said residential complex. Therefore, the petitioner has filed the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. Considering the facts and circumstances of the case, this Court permits the petitioner to submit a fresh

representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On filing of such representation, the first respondent is directed to consider the same, by affording an opportunity of personal hearing to the petitioner as well as the respondents 7 and 8 and pass appropriate orders within eight weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner of Police,
Egmore, Chennai 600 008.
- 2.The Chairman, Tamil Nadu Electricity Board,
Chennai 600 002.
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- 5.The Revenue Officer,
Corporation of Chennai,
Chennai -3.

6.The Health officer,
Corporation of Chennai,
Chennai -3.

+1cc to Mr. Shanmugha Associates, Advocate, S.R.No.9051

W.P.No.7588 of 2014

ca(CO)
srg(09/03/2016)



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