

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.13386 of 2016

and

W.M.P.No.11738 of 2016

C.Govindasamy

...Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.
2. The Zonal Officer,
Chennai Metropolitan Development Authority,
Puzhithivakkam, Chennai.
3. The Commissioner,
Chennai Municipality,
Rippon Builidings, Chennai.
4. The Regional Joint Commissioner,
Corporation of Chennai,
No.118, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.

5. Mrs.Vasanth

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 08.06.2015.

For Petitioner : Mr.C.R.Malarvannan

For Respondents 1 and 2 : Mr.M.Karthikeyan

For Respondents 3 and 4 : Mr.P.V.Selvakumar
Standing Counsel

O R D E R

Heard Mr.C.R.Malarvannan, the learned counsel appearing for the petitioner, Mr.M.Karthikeyan, the learned counsel, accepting notice on behalf of respondents 1 and 2 and Mr.P.V.Selvakumar, the learned Standing Counsel, accepting notice for respondents 3 and 4. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. The petitioner, who is the neighbour of the fifth respondent, has come to this Court, complaining that the fifth respondent has used heavy machinery for putting up a massive construction adjoining the petitioner's property, as result of which, the petitioner's property had suffered damages and cracks have been developed in the pillars and in the verandah. To show the damages caused to the petitioner's building, few photographs have been enclosed at page Nos.17 to 23 in the typed set of papers. From the photographs, it is seen that the building is said to be constructed by the fifth respondent, which is virtually abutting the compound wall of the petitioner's property. It is not known as to whether the construction is an authorized construction, or there is any deviation from the approved plan. The petitioner has made specific averments in the representation given to the Authorities that the construction put up by him is strictly in accordance with law, and there is no deviation. In any event, these aspects have to be considered by the Authorities of the respondent/Corporation of Chennai or CMDA, and, if there is any irregularity, or illegality committed, appropriate action should be initiated in accordance with law after notice to the fifth respondent. Since the Writ Petition is disposed of at the stage of admission, this Court has not expressed any opinion on the allegation made by the petitioner against the fifth respondent, and it is for the Authorities to take note of the factual position and act in accordance with law.

3. In the light of the above, there will be a direction to respondents 2 and 4 to conduct inspection of the fifth respondent's premises after due notice to the fifth respondent and thereafter, proceed in accordance with law. The above direction be complied with by respondents 2 and 4 within a period of two weeks from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.
sd

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.
 2. The Zonal Officer,
Chennai Metropolitan Development Authority,
Puzhithivakkam, Chennai.
 3. The Commissioner,
Chennai Municipality,
Rippon Buildings, Chennai.
 4. The Regional Joint Commissioner,
Corporation of Chennai,
No.118, Dr.Muthulakshmi Salai,Adyar, Chennai - 600 020.
- + 1 cc to Mr.C.R.Malarvannan, Advocate Sr 22650
+ 1 cc to Mr.P.V.Selvakumar, Advocate Sr 22632

KR/15/4/16

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