

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. No.13397 of 2016

Jawahar Campus
'A' Block
Flat Owners Association
Reg. No.118/2016
represented by its Secretary L. Sudharsan
Flat No.A-33, 'A' Block
New No.63-A, Old No.23A
First Main Road
Jawahar Nagar
Chennai 600 082

..Petitioner

vs.

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 2 The Commissioner of Police
Vepery, Chennai 600 007
- 3 The Regional Deputy Commissioner
for Enforcement
Corporation of Chennai
Office at Shenoy Nagar
Poonamallee High Road
Chennai 600 030
- 4 The Executive Engineer of Chennai Corporation
Office at Ayanavaram
Zonal Office, Zone VI
Chennai 600 023
- 5 The Assistant Commissioner of Chennai Corporation
Office at Ayanavaram
Zonal Office - Zone VI
Chennai 600 023

- 6 The Assistant Engineer of Chennai Corporation
Office at Zone-6, Jawahar Nagar
Chennai 600 082
- 7 The Inspector of Police
K-5 Peravallur Police Station
70 Feet Road
Siva Elango Salai
Chennai 600 082
- 8 T. George
- 9 Ponnraj
- 10 Dr. Senthil Kumar ..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the representation dated 02.02.2016 submitted by the petitioner by strictly complying with the provisions under Section 222(1) and 256-A of the Chennai City Municipal Corporation Act, 1919 and also with other existing rule in force in order to remove the unauthorised construction and encroachment in the common area, committed by the respondents 8 to 10, within a stipulated period.

For petitioner Mr. G. Thangavel
For RR 1 & 3 to 6 Mr. A. Nagarajan, Standing Counsel
For RR 2 & 7 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 1 and 3 to 6. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 2 and 7. Notice to other respondents is dispensed with at this stage, inasmuch as no order prejudicial to their interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner, learned Standing Counsel and learned Special Government Pleader, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner association comprises owners of flats in 'A' Block of Jawahar Campus residential buildings. According to the petitioner association, the 8th respondent, who is the owner of Flat Nos.37 and 38 of 'A' Block, intended to have unauthorised construction and encroachment in the common area,

which was objected to by the executive committee of the petitioner association and also the flat owners in 'B' Block. Notwithstanding such objection, the eighth respondent started to encroach the common area by putting up unauthorised construction. Following the eighth respondent, the ninth respondent also put up unauthorised construction in the common pathway. Hence, the petitioner addressed a representation dated 02 February 2016 to the official respondents seeking action under Section 222(1) and 256-A of the Chennai City Municipal Corporation Act, 1919 and removal of the encroachments and unauthorised construction. Finding no action on the said representation, the petitioner association has come up with the instant writ petition.

3 Considering the limited scope of the relief sought by the petitioner association, without going into the merits of the case, we direct the first respondent to consider and pass appropriate orders on the petitioner association's representation dated 02 February 2016 on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that an opportunity of hearing be afforded to the alleged encroachers, before taking any consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy.

cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003
- 2 The Commissioner of Police
Vepery, Chennai 600 007
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 - 7 The Inspector of Police
K-5 Peravallur Police Station
70 Feet Road
Siva Elango Salai, Chennai 600 082.
- + 1 cc to Mr.G.Thangavel, Advocate Sr 22456
- + 1 cc to Mr.A.Nagarajan, Advocate Sr 22559
- + 1 cc to The Govt.Pleader, Sr 22786

KR/25/4/16

W.P.No.13397 of 2016

सत्यमेव जयते

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