

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

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

W.P. No.13477 of 2016 and W.M.P. No.11838 of 2016

Madambakkam Vasudeva Pillai Trust
represented by its Secretary
K.C. Soundarapandian
No.23, Thandavan Street
Purasaiwakkam
Chennai 600 007

Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Chennai 600 003

2 The Junior Engineer
Division - 104
Corporation of Chennai
Chennai

3 The Zonal Officer
Zone VIII
Corporation of Chennai
Chennai

4 Mohanambal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to take action against the unauthorised construction at Door No.13/23, Rathnasabapathy Pillai Street, Purasaiwakkam, Chennai 600 007, put up by the fourth respondent.

For petitioner Mr. S.P. Meenakshi Sundaram

For RR 1 to 3 Mr. V.C. Selvasekaran, Standing Counsel

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no order prejudicial to her interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 to 3, this writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner is stated to be a Charitable Trust owning several properties in and around Purasaiwakkam, which have been leased out to various individuals. One such lessee is the fourth respondent, who is alleged to have put up second floor sans any permission from the Chennai Corporation and also the petitioner Trust, the lessor. Albeit the petitioner Trust requested the fourth respondent to stop the construction, the latter did not give heed to such request. Hence, the petitioner Trust addressed a complaint dated 24 February 2016 to the third respondent. Finding no action pursuant thereto, the petitioner has come up with the instant writ petition seeking a writ of mandamus directing the respondents 1 to 3 to take action against the unauthorised construction at Door No.13/23, Rathnasabapathy Pillai Street, Purasaiwakkam, Chennai 600 007, allegedly put up by the fourth respondent.

3 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the respondents 1 to 3 to consider and pass appropriate orders on the petitioner's representation dated 24 February 2016, 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 an opportunity of hearing be afforded to the alleged encroacher, viz., the fourth respondent, before taking any consequential action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected W.M.P. is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cad

To

1 The Commissioner
Corporation of Chennai
Chennai 600 003

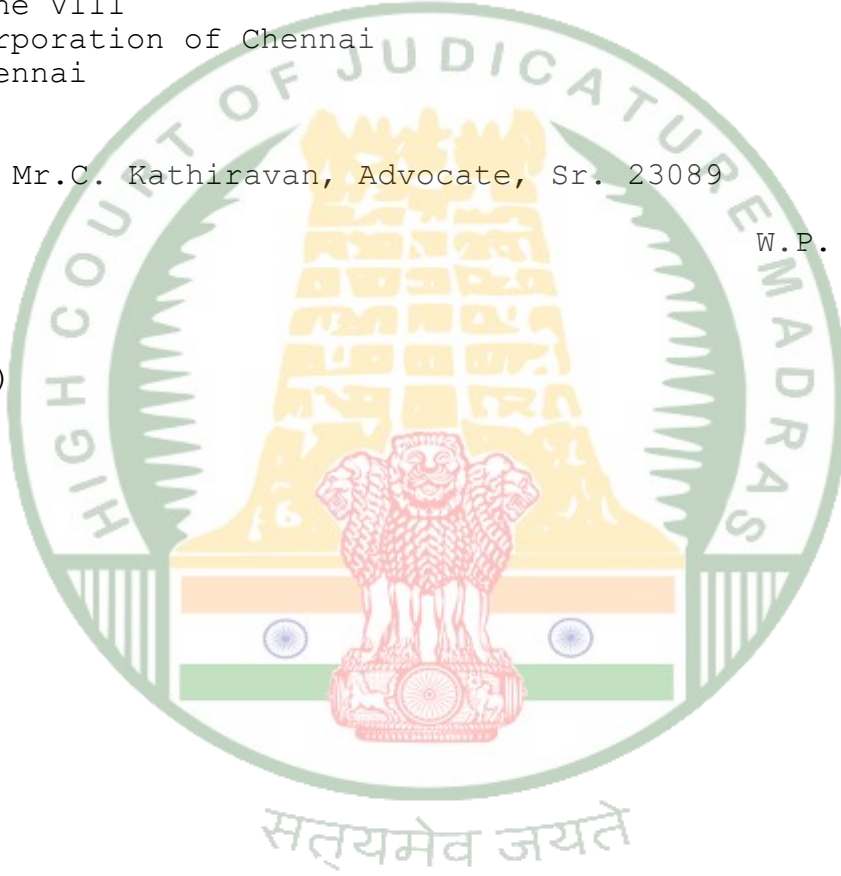
2 The Junior Engineer
Division - 104
Corporation of Chennai
Chennai

3 The Zonal Officer
Zone VIII
Corporation of Chennai
Chennai

1 cc to Mr.C. Kathiravan, Advocate, Sr. 23089

W.P. No.13477 of 2016

KJI (CO)
kk 2/5



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