

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.13662 of 2016

A.S.George

... Petitioner

Versus

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Part Town, Chennai 600003.

2.The Regional Deputy Commissioner Central
Corporation of Chennai,
Rippon Buildings,
Park Town, Chennai 600003.

3. The Assistant Commissioner Zone X,
Corporation of Chennai,
No.64, Arcot Road,
Kodambakkam, Chennai 600 024.

4.Kamala Babu

सत्यमेव जयते... Respondents

Petition under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to dispose of the representation of the petitioner in respect of complaint to the Chennai Corporation Public Complaint Cell - 1913 on 23.03.2016 bearing Ref.No.994 JEP and the written complaint dated 28.03.2016 as against the unauthorised and illegal construction being put up by the 4th respondent without any sanction plan in the property situated in D.No.75/350, Arcot Road, Kodambakkam, Chennai 600024, and dispose of the same.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.Manoj Sreevalsar for R.4
Mr.A.Nagarajan for R.1 to R.3.

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

On hearing the learned counsel for the parties and on perusing the pleadings, more specifically paragraph-6 of the affidavit filed by the third respondent, it appears that insofar as the repair of the damaged roof of the 4th respondent's building is concerned, there can be no objection. However, it is alleged that the petitioner has made some construction on the back which is sought to be disputed by learned counsel for the 4th respondent.

2. We make it clear that in view of the subsequent notices issued under Sections 56 and 57 read with Section 85 of the Town and Country Planning Act, 1971 dated 18.04.2016, as also lock and seal notice dated 09.05.2016, there is allegedly some unauthorised construction at the back and we give an opportunity to the 4th respondent to remove the same itself within one month from today. A re-inspection be carried out by the Corporation within 15 days thereafter and if alleged unauthorised construction still subsists, to proceed in accordance with law within a month thereafter.

3. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, WMP.No.11952 of 2016 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Park Town, Chennai 600003.

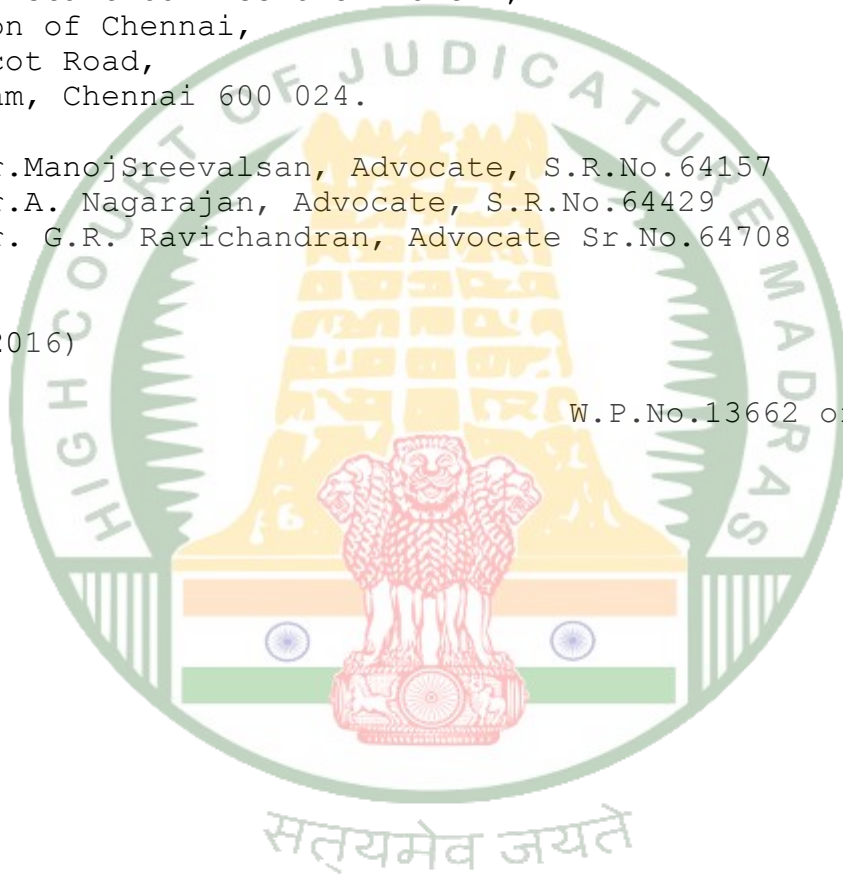
2.The Regional Deputy Commissioner Central
Corporation of Chennai,
Rippon Buildings,
Park Town, Chennai 600003.

3. The Assistant Commissioner Zone X,
Corporation of Chennai,
No.64, Arcot Road,
Kodambakkam, Chennai 600 024.

+1cc to Mr.ManojSreevalsan, Advocate, S.R.No.64157
+1cc to Mr.A. Nagarajan, Advocate, S.R.No.64429
+1cc to Mr. G.R. Ravichandran, Advocate Sr.No.64708

SAI (CO)
md(18/11/2016)

W.P.No.13662 of 2016



WEB COPY