

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

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

W.P. No.14358 of 2016 and W.M.P. No.12543 of 2016

Sunciti Apartment Owners Association
represented by its Secretary Mr. Balajee
Office at No.9, Santhome High Road
Santhome
Chennai 600 004

Petitioner

vs.

- 1 The Chief Executive Officer &
Chief Vigilance Officer
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Regional Joint Commissioner
Regional Office South
Corporation of Chennai
No.115, Dr. Muthulakshmi Salai
Adyar, Chennai 600 020
- 4 The Deputy Commissioner
Regional Office - South
Corporation of Chennai
No.115, Dr. Muthulakshmi Salai
Adyar, Chennai 600 020

5 Babu

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to consider the representation dated 01.03.2016, issued on behalf of the petitioner by its counsel and take action against the illegal construction and demolish the same at No.9B/21,

Jawahar Niwaz, Santhome High Road, Opp. Santhome Inn, Santhome, Chennai 600 004 in Survey No. Part 2414, Block No.48, Santhome Registration Sub District of Mylapore, within Registration District of Chennai South, Corporation Zone No.IX, Ward No.125.

For petitioner	Mr. V.Sankaranarayanan
For RR 1 & 2	Mr. C. Johnson, Standing Counsel
For RR 3 & 4	Mr. R. Arunmozhi, Standing Counsel

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. C. Johnson, learned Standing Counsel, accepts notice for respondents 1 and 2. Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 3 and 4. Notice to the fifth respondent is dispensed with at this stage, inasmuch as no order prejudicial to his 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 and 2 and 3 and 4, this writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner is stated to be an association of owners of flats in Sunciti Apartments, Santhome High Road, Santhome, Chennai - 4. According to the petitioner association, the fifth respondent, who is the owner of the adjacent property, after having demolished the structure which was then existing, has now commenced to put up new construction, without providing any setback space on either side and in complete violation of the building rules, thereby causing enormous hardship to the members of the petitioner association. Based on the complaint lodged by the petitioner association, when the police came for enquiry, the fifth respondent accepted that he has no planning permission and further gave an undertaking to the effect that he would stop the construction. Notwithstanding such an undertaking, he is still continuing with the alleged illegal construction. Hence, the petitioner association addressed a representation on 01 March 2016 to the official respondents, through its counsel. Yet, no action has been taken by the official respondents pursuant to the said representation. Hence, this writ petition seeking the aforestated relief.

3 Considering the limited scope of the relief sought by the petitioner association, without going into the merits of the case, we direct the authorities concerned, particularly, respondents 1 and 2, to consider and pass appropriate orders on the petitioner association's representation dated 01 March 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 violator, viz., the fifth 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Chief Executive Officer &
Chief Vigilance Officer
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No.115, Dr. Muthulakshmi Salai
Adyar, Chennai 600 020
- +1 cc to Mr.V.Sankaranarayanan Advocate sr.24864
+1 cc to Mr.C.Johnson Advocate sr.24629
+1 cc to Mr.R.Arunmozhi Advocate sr.24452

W.P. No.14358 of 2016

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