

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.1536 of 2016

D.Padmanabhan

[PETITIONER]

Vs

1 The Commissioner
Corporation of Chennai
Rippon Building, Chennai.

2 The Junior Engineer
Division-44, Zone-IV,
Corporation of Chennai
Chennai-600 011.

3 The Junior Engineer
Depot-44 Area-IV
CMWSS Board
Chennai-600 011.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the second respondent to grant permission to cut the road to effect the water and sewerage connection for the premises situated at Plot Nos.42 and 43 Subramania Street, Car Nagar (Melpatti Ponnappa Street), Perambur Chennai-600 039 by considering the representation dated 04.01.2016.

For Petitioner : Mr.G.Rajan

For Respondent : Mr.P.V.Selvakumar - R1&R2
Government Advocate

Mr.Janakiraman - R3

O R D E R

Heard Mr.G.Rajan, learned Counsel appearing for the petitioner, Mr.P.V.Selvakumar, learned Government Advocate accepting notice for the respondents 1 & 2 and Mr.Janakiraman, learned Counsel accepting notice for the third respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has sought for a direction to the second respondent to grant permission to effect the water and sewerage connection for the premises situated at Plot Nos.42 and 43 Subramania Street, Car Nagar (Melpatti Ponnappa Street), Perambur Chennai-600 039, by considering the representation dated 04.01.2016.

3.The learned Government Advocate appearing for the Corporation of Chennai submitted that the petitioner has obtained Planning Permission only for 'Ground + 1 Floor', however, he has constructed two additional floors and the said construction is an unauthorised construction.

4.Therefore, unless and until the petitioner remedies the illegality and brings the construction as per the approved plan, the relief sought for by the petitioner in this Writ Petition cannot be granted.

5.Accordingly, the Writ Petition fails and the same is dismissed. However, liberty is granted to the petitioner to remove the unauthorised construction and then approach the authorities by way of fresh representation for necessary permission and if it is done by the petitioner, the same shall be considered in accordance with law. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner
Corporation of Chennai
Rippon Building, Chennai.

- 2 The Junior Engineer
Division-44, Zone-IV, Corporation of Chennai
Chennai-600 011.
- 3 The Junior Engineer
Depot-44 Area-IV , CMWSS Board
Chennai-600 011.

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.2621
+1cc to Mr.G.Rajan Advocate, S.R.No.2891

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jsv(CO)
srg(22/01/2016)



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