

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.25397 of 2016

C.Rajendran

.. Petitioner

-vs-

1. The Commissioner  
Corporation of Chennai  
Rippon Building  
Park Town  
Chennai 600 003
2. The Chief Engineer  
Building Plan Permission Section  
Corporation Zonal Office-13  
115, Dr.Muthulakshmi Salai  
Adyar, Chennai-20
3. The Executive Engineer  
Building Plan Permission Section  
Corporation Zonal Office-13  
115, Dr.Muthulakshmi Salai  
Adyar, Chennai-20
4. Man Bahadur  
S/o Bhadra Bahadur
5. Savithri  
W/o Man Bahadur

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 26.10.2015 and take all necessary actions against respondents 4 and 5 as per law to prevent the unauthorised construction at the residential property No.4/11, Vanniampathi Street, Chennai 600 028

including the common passages.

For Petitioner        ::        Mr.V.Manohar

For Respondents     ::        Mr.V.C.Selvasekaran for R1 to R3

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

The prayer in this writ petition is for issuance of a writ of mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 26.10.2015 and take all necessary actions against the respondents 4 and 5 as per law to prevent the unauthorised construction at the residential property, No.4/11, Vanniampathi Street, Chennai 600 028 including the common passages.

2. Heard the learned counsel for the petitioner and the learned standing counsel taking notice on behalf of the respondents 1 to 3.

3. It appears that the petitioner is the owner of the property bearing Door No.4/11, Vanniampathi Street, Chennai-28 measuring about 862 sq.ft., and has been in possession for more than 40 years. The said property appears to be situated inside the complex of building consisting of five different portions with the common passage for all the occupants to approach the main road. The grievance of the petitioner is that the respondents 4 and 5 had purchased one of the portions of the property and are putting up construction without giving any

set back space. Since the representation given by the petitioner in this regard has not been acted upon by the respondents 1 to 3, he has approached this Court.

4. Since already the matter is pending before the civil Court in this regard, it is for the petitioner to take out an appropriate application and to urge all the contentions before the civil Court for redressal of his grievance. In the meanwhile, the respondent-Corporation can also look into the matter and take a decision in accordance with law. With this observation, the writ petition stands disposed of. No costs.

Index : yes/no

(H.G.R.,J.) (M.V.M.,J.)  
21.07.2016

ss

To

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HULUVADI G.RAMESH, J.  
AND  
M.V.MURALIDARAN, J.

SS

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