

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM:

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

W.P. No.15884 of 2016 and W.M.P. No.13779 of 2016

V. Pandiarajan

Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

3 The Proprietor
Hotel Metro Park (Boarding and Lodging)
Old No.61, New No.8, Karumariamman Koil Street
Vadapalani
Chennai 600 026

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to demolish the building/unauthorised/illegal construction at Old No.61, New No.8, Karumariamman Koil Street, Vadapalani, Chennai 600 026.

For petitioner Mr. R. Jayaprakash

For R1

Mr. R. Arunmozhi
Standing Counsel

For R2

Mr. C. Johnson
Standing Counsel

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for the first respondent. Mr. C. Johnson, learned Standing Counsel, accepts notice for the second respondent. Notice to the third respondent is dispensed with at this stage, inasmuch as no order prejudicial to its interest, is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Standing Counsel for the official respondents, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to demolish the unauthorised/illegal construction at Old No.61, New No.8, Karumariamman Koil Street, Vadapalani, Chennai 600 026.

3 According to the petitioner, adjacent his house, there lies the third respondent hotel by name "Hotel Metro Park". The stench emanating from the garbage dumped by the said hotel is intolerable to the inmates of the said thickly populated residential area. That apart, there is no proper parking facility provided by the third respondent hotel, as a consequence of which, its visitors park their vehicles in the road, thereby, creating traffic bottlenecks. The petitioner reliably understands that the said hotel is run sans building approval and even licence. Pointing out these aspects, the petitioner addressed a representation dated 18 September 2015 to the first respondent, seeking appropriate action against the third respondent. Finding no response to the same, the petitioner has preferred the instant writ petition.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the first respondent to consider and pass appropriate orders on the petitioner's representation dated 18 September 2015 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 third respondent, before taking any consequential action, if need be.

The writ petition stands disposed of with the above observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

cad

To

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

1 cc to Mr.R. Jayaprakash, Advocate, Sr. 27189

1 cc to Mr.C. Johnson, Advocate, sr. 27055

1 cc to Mr.R. Arunmozhi, Advocate, Sr. 26895

सत्यमेव जयते

W.P. No.15884 of 2016

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