

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2016

CORAM

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

Writ Petition No.16547 of 2016
and WMP.No.14290 of 2016

T.K.Padmanabhan

...Petitioner

Vs.

1 The Commissioner
Corporation of Chennai
Rippon Building
Park Town, Chennai-600 003

2 The Zonal Officer
Corporation of Chennai Zone
Chennai-600 003

3 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008

4 Ashokan

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to dispose of the petitioner's representation dated 13.04.2016 seeking to take necessary action and to remove the unauthorized construction in Plot No. 224-A, 4th Cross Street, Natesan Nagar, Virugambakkam, Chennai-600 092 and to demolish the illegal and unauthorized building constructed by 4th respondent within a time frame to be fixed by this Honourable Court.

For Petitioner : M/s.Meera Gnanasekar

For Respondent-3 : Mr.C.Johnson, Standing Counsel
for CMDA.

O R D E R
(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard the learned counsel for the petitioner and the learned Standing Counsel for the third respondent.

2. It appears that in connection with the construction said to have been carried out by the 4th respondent in Plot No.224-A, 4th Cross Street, Nagesan Nagar, Virugambakkam, Chennai-92, the petitioner, who is the adjacent Plot owner, alleging that all the rules and regulations for a building is being flouted, seeks for a direction to the respondents 1 to 3 to dispose of his representation dated 13.04.2016 and to take necessary action and to remove the unauthorized construction in the above stated plot and to demolish the illegal and unauthorized building constructed by the 4th respondent within a time frame fixed by this court.

3. The apprehension of the petitioner is that in the construction made by the 4th respondent, the 4th respondent has not provided setback on all four sides which is required as per the rules and therefore, the construction may not be as per the sanctioned plan.

4. If the petitioner has any apprehension or grievance against the 4th respondent, who is said to have been carrying out construction in Plot No.224-A, and if there is any violation of rules or regulations and thereby, the petitioner's civil right is affected, the remedy for the petitioner lies before the civil court. It is seen that the petitioner has not exhausted the available remedy before the civil court, but approached this court by way of present writ petition. The right recourse available to the petitioner is to issue legal notice to the 4th respondent. In any event, it is open to the petitioner to seek assistance of respondents 1 to 3 by filing proper representation for taking appropriate action against the 4th respondent. On such filing of representation by the petitioner, it is for the respondents 1 to 3-authorities to look into the matter and take appropriate action in accordance with law.

The Writ Petition is disposed of with the above observation.
No costs. Consequently, connected MP is closed.
nvsri

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner
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Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008
- + 1 cc to M/s.Meera Gnanasekar, Advocate SR 29090
- + 1 cc to Mr.C.Johnson, Advocate SR 29088
- vd(co)
prk16/6
- W.P.No.16547 of 2016



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