

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2016

CORAM

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

Writ Petition No.18371 of 2016
and W.M.P.No.16069 of 2016

P.Gowri

...Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
- 2.The Assistant Commissioner,
Zone-IX,
Valluvarkottam,
Nungambakkam, Chennai.
- 3.The Junior Engineer,
No.29, C.P.Ramasamy Road,
Alwarpet, Chennai - 600 008.
- 4.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irvin Road,
Egmore, Chennai - 600 008.
- 5.Srinivasan @ Vasu
- 6.M.Venkatesan
- 7.M.Gopi

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 23.03.2016 and 16.05.2016 thereby lock and seal and pull down the unauthorized and illegal construction made in R.S.No.3790/A(part), Old Door No.23, New Door No.2, Bakthavatchalam Street, Tiruvalluvar Road, Teynampet, Chennai - 18 totally to an extent of 2078 sq.ft. of land without valid planning permission from the respondents 1 to 4.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents

R1 to R4 : Mr.C.Johnson

R5 & R6 : Mr.Nagarajan

O R D E R

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

This writ petition is filed praying to issue a writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 23.03.2016 and 16.05.2016 thereby lock and seal and pull down the unauthorized and illegal construction made in R.S.No.3790/A(part), Old Door No.23, New Door No.2, Bakthavatchalam Street, Tiruvalluvar Road, Teynampet, Chennai - 18 totally to an extent of 2078 sq.ft. of land without valid planning permission from the respondents 1 to 4.

2.Heard the learned counsel appearing for the petitioner, the learned counsel for the respondents 1 to 4 and the learned counsel for the respondents 5 and 6. Considering the nature of prayer sought for in this writ petition, notice to the seventh respondent is dispensed with.

3.In the accompanying affidavit of the writ petition, it is averred that the petitioner is in peaceful possession and enjoyment of the property situated in R.S.No.3790 and 3791/1, Old Door No.23, New Door NO.2, Bakthavatchalam Street, Tiruvalluvar Road, Teynampet, Chennai - 18. While so, the adjacent land owners, namely, the respondents 5 to 7 herein were putting up a superstructure in the property adjacent to the petitioner's property without obtaining any planning permission. It is further stated that the construction put up by the respondents found to be in a dilapidated condition and it may fall down at any moment. Therefore, the petitioner approached the respondents 1 to 4 and submitted a representation on 18.03.2016. But the same has not been considered till date. Hence, the present writ petition has been filed.

4.In the above circumstances, this Court is of the view that even though the petitioner has given a representation to the respondents 1 to 4 alleging that construction has been carried out by the respondents 5 to 7 without obtaining any planning permission, as this being a matter of fact finding, it is for the petitioners to approach the Civil Court for seeking appropriate orders by making the contesting respondents as party to the proceedings before the Civil Court.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

cse

To

- 1.The Commissioner,
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Chennai - 600 003.
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Gandhi Irvin Road,
Egmore, Chennai - 600 008.

+1 cc to Mr.B.Gopalakrishnan Advocate sr.31015/16
+1 cc to Mr.A.Nagarajan Advocate sr.31335/16
+1 cc to Mr.C.Johnson Advoccate sr.30648/16

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and W.M.P.No.16069 of 2016

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