

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM

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

Writ Petition No.19898 of 2016
and WMP.No.17154 of 2016

N.Mahender

...Petitioner

Vs.

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

2.The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-600 003

3.The Tamil Nadu Electricity Board
Rep. By its Chairman
No.800, Anna Salai
Chennai-600 002

4.The Tamil Nadu Electricity Board
Rep. By its Chairman
DMS Compound
Teynampet, Chennai-600 018

5.Uma Ravi Shankar

6.G.Ravi Shankar

...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 take immediate and effective action against the unlawful and illegal construction being put up by the respondents 5 and 6 at No.6A, Sriman Srinivasa Road, Alwarpet, Chennai-600 018, including the installation of EB Junction box (EB Pillar) in the South West corner of 12 feet common passage abutting the petitioner's northern boundary wall.

For Petitioner :Mr.P.B.Balaji
For respondents :Mr.C.Johnson, Standing Counsel for R1
Mr.A.Nagarajan, Standing Counsel for R2
Mr.S.K.Rameshwar for R3 and R4.

O R D E R

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

The petitioner is before this court seeking a direction to respondents 1 to 4 to take immediate action for removal of the illegal construction said to have been put up by respondents 5 and 6, who are the neighbours.

2. The grievance of the petitioner is that despite making representations dated 03.10.2015 and 02.05.2016 to respondents 1 and 2 for taking action against the illegal construction, so far, no action has been taken.

3. Heard the learned counsel for the petitioner and the learned Standing counsel for respondents 1 to 4.

4. Notice to respondents 5 and 6 is dispensed with.

5. Considering the facts and circumstances of the case, we are of the view that it is for the petitioner to make a representation to respondents 1 to 4 for taking action against illegal construction, alleged to have been put up by respondents 5 and 6, who are stated to be the neighbours. It is also open to the petitioner to file a civil suit for mandatory injunction or for any other suitable relief if the matter involves any disputed question of fact, wherein respondents 5 and 6 shall be made as parties before the civil court where they can agitate their case, which shall be adjudicated by the civil court on the basis of the rival contentions.

6. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nvsri

To

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

2.The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-600 003

3.The Chairman
The Tamil Nadu Electricity Board
No.800, Anna Salai
Chennai-600 002

4.The Chairman
The Tamil Nadu Electricity Board
DMS Compound
Teynampet, Chennai-600 018

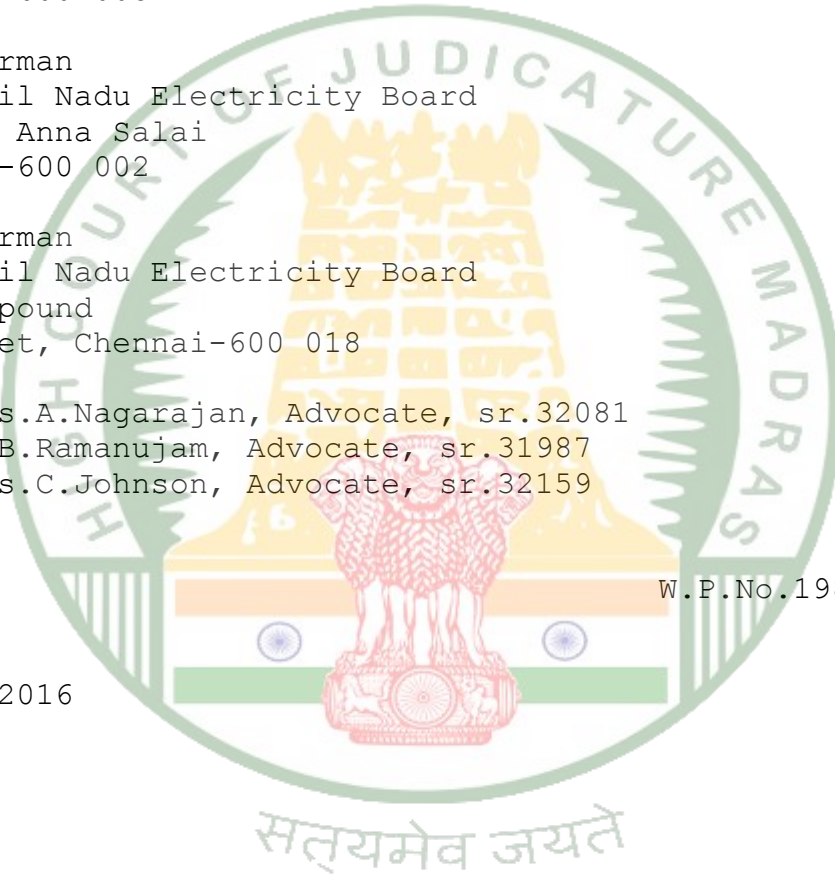
1 cc to M/s.A.Nagarajan, Advocate, sr.32081

1 cc to P.B.Ramanujam, Advocate, sr.31987

1 cc to M/s.C.Johnson, Advocate, sr.32159

W.P.No.19898 of 2016

ala co
kra 29.06.2016



WEB COPY