

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

CORAM

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

Writ Petition No.22366 of 2016

R.Chusil Kumar

... Petitioner

Vs.

1. Chennai Metropolitan Development Authority
by its Member Secretary
Thalamuthu Natarajan Maligai
Gandhi Irwin Road
Egmore, Chennai-08.
 2. Corporation of Chennai
Rep. by Commissioner
Rippon Building
Chennai-3.
 3. Dr.Meera Srinivasan
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 and 2 to consider petitioner's representation dated 29.12.2015 in respect of the violation of rules by the 3rd respondent and take suitable action.

For Petitioner : Ms.M.Dhivya for Mr.T.K.S.Gandhi

For Respondents : Mr.C.Johnson for R1
Mr.A.Nagarajan for R2

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O R D E R

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

Heard the learned counsel for the petitioner, Mr.C.Johnson, learned Standing counsel, who has taken notice for the 1st respondent and Mr.A.Nagarajan, learned Standing counsel, who has taken notice for the 2nd respondent. Notice to 3rd respondent is dispensed with.

2. This Writ Petition is filed praying to issue a Writ of Mandamus to direct the respondents 1 and 2 to consider petitioner's representation dated 29.12.2015 and pass orders.

3. The averments made in the writ petition is that the 3rd respondent is the petitioner's tenant and in the tenancy dispute, 2 civil suits in O.S.Nos.11163 of 2010 and 1393 of 2012 are pending before III Additional City Civil Court, Chennai. The 3rd respondent is running a Nursing Home in the rented two flats of residential apartment viz., Akshaya Apartments, Door No.142/9, Purasawalkam High Road, which is in clear violation of the sanctioned plan and statutory rules. In this regard, the Writ Petitioner sent representations dated 29.12.2015 to respondents 1 and 2 to take necessary action against the 3rd respondent, however, till date, no action was taken, hence, the present Writ Petition.

4. Considering the nature of prayer sought for in this Writ Petition, we hereby direct respondents 1 and 2 to consider petitioner's representation dated 29.12.2015 and make thorough enquiry after due notice to the 3rd respondent and take appropriate action in accordance with law, in the event of violation of the statutory rules of CMDA and Chennai Corporation. The respondents 1 and 2 shall give opportunity of personal hearing to the parties concerned and do the needful after verification of the sanctioned and approved plan in this regard.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

nvsri

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road
Egmore, Chennai-08.

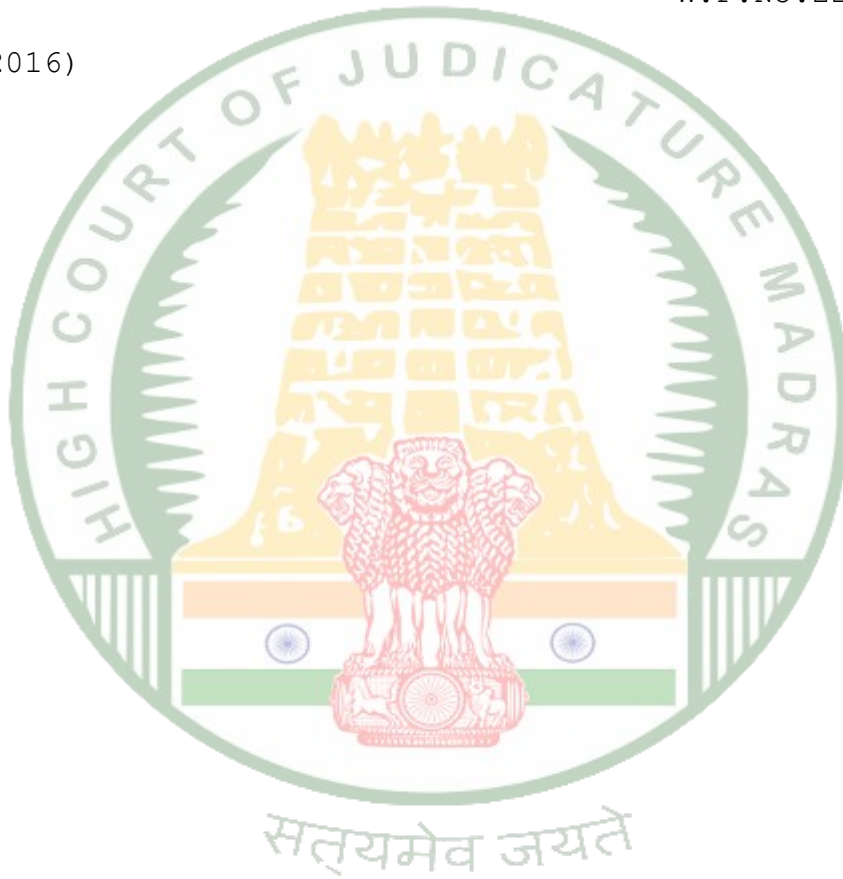
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2. The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai-3.

+1cc to Mr.C.Johnson, Advocate, S.R.No.36280
+1cc to Mr.T.K.S.Gandhi, Advocate, S.R.No.36986
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.36300

W.P.No.22366 of 2016

VS (CO)
CA(21/07/2016)



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