

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.40988 of 2015

S.Parthiban

.. Petitioner

-vs-

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
- 2.The Deputy Commissioner (Works),
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
- 3.The Assistant Commissioner,
Corporation of Chennai,
Zone-X, Ward No.140,
Kodambakkam,
Chennai-24.
- 4.The Assistant Engineer,
Corporation of Chennai,
Zone-X, Ward No.140,
Kodambakkam,
Chennai-24.
- 5.The Inspector of Police,
Kumaran Nagar Police Station,
Chennai.

6.A.S.Syed Mohammed Buhari

7.P.Parvathi

.. Respondents

(Respondent No.6 impleaded as per the
order in WMP.No.1026 of 2016, dt. 18.1.2016)
(Respondent No.7 suo-motu impleaded as per this
order)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, direct the first respondent to take action to remove of the structure situate at Door No.63/23, Old Mambalam Road, West Mambalam, Chennai-600 033 by invoking the provision of Sec.258 of the Chennai City Municipal Corporation Act, 1919 within a time stipulated by this Court.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.K.Soundararajan for R1 to R4
Mr.STS.Moorthy
assisted by
Mr.V.R.Kamalanathan
Addl. G.P. for R5
Mr.A.Ilayaperumal for R6
Ms.G.Thilagavathi for R7

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

In view of the averment contained in paragraph 6 of the counter-affidavit of respondent No.3, as also the presence of the learned counsel for Mrs.P.Parvathi, neighbour of respondent No.6 and Mrs.P.Parvathi, who herself seeks impleadment, we direct impleadment of Mrs.P.Parvathi as respondent No.7. Memo of parties be amended accordingly.

2. The learned counsel for newly impleaded respondent No.7 states that her concern is only that respondent No.6 had obtained patta for an extended area, which in turn was interfering with her rights to keep the walls. O.S.No.4050 of 2013 and O.S.No.3611 of 2014 are stated to be pending before the City Civil Court, Chennai.

3. The learned counsel for respondent No.6 states that he would demolish the structure in terms of the planning permission obtained, excluding the area of the wall, over which there is a dispute in the suits. There is, naturally, no objection to this by the learned counsel for respondent No.7.

4. In view of the aforesaid position, respondent No.6 may proceed with the demolition as per the planning permission, leaving aside that 1 ½ feet, over which there is a dispute i.e. patta is for 39 feet, while according to respondent No.7, respondent No.6 is the owner upto 37 ½ feet.

5. The Corporation to issue extension of time for carrying out the demolition through the planning permission on requisite application being filed.

6. The writ petition is closed in the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
- 2.The Deputy Commissioner (Works),
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
- 3.The Assistant Commissioner,
Corporation of Chennai,
Zone-X, Ward No.140,
Kodambakkam,
Chennai-24.
- 4.The Assistant Engineer,
Corporation of Chennai,
Zone-X, Ward No.140,
Kodambakkam,
Chennai-24.
- 5.The Inspector of Police,
Kumaran Nagar Police Station,
Chennai.

+1cc to Mr.E. Sathiyaraj, Advocate, S.R.No.17906
+1cc to Mr.K. Soundararajan, Advocate, S.R.No.17890
+1cc to Mr.A. Ilayaperumal, Advocate SR.17905
+1cc to the Government Pleader, S.R.No.18099

KGK(CO)
EU(30/03/2016)

W.P.No.40988 of 2015

सत्यमेव जयते

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