

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

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

Writ Petition No.24213 of 2016
and
WMP.No.20689 of 2016

K.Sangeetha

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai.
2. The Assistant Engineer,
Corporation of Chennai,
Division 155,
CMWSSB,
Alapakkam,
Chennai - 116.
3. Shankar,
No.3-44, Thirumalai Nagar,
Natarajan Salai Main Road,
Ramapuram,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 16.05.2016 to forthwith implement the provisions of the Chennai city Municipal Corporation Act by issuing stop work notice to stop the illegal construction being carried on at Door No.3-44, Thirumalai Nagar, Natarajan Salai Main Road, Ramapuram, Chennai within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Umapathi

For R1 and R2 : Mr.A.Nagarajan

ORDER

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

Mr.A.Nagarajan, learned standing counsel, accepts notice on behalf of respondents 1 and 2. Notice to the third respondent is dispensed with. With the consent of the learned counsel for the petitioner and the learned standing counsel appearing for respondents 1 and 2, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this Writ Petition for a Mandamus, directing the second respondent to consider her representation dated 16.05.2016 and to forthwith implement the provisions of the Chennai City Municipal Corporation Act by issuing stop work notice and to stop the illegal construction being carried on at Door No.3-44, Thirumalai Nagar, Natarajan Salai Main Road, Ramapuram, Chennai within the stipulated time as may be fixed by this Court.

3. The case of the petitioner is that after the demise of her husband Kannan, the petitioner and her child are living along with her mother-in-law and brother-in-law at No.3-44, Thirumalai Nagar, Natarajan Salai Main Road, Ramapuram, Chennai, which is an ancestral property. While so, the third respondent, who is the brother-in-law of the petitioner, started construction in the said property by violating the Tamil Nadu Town and Country Planning Act as well as Chennai City Municipal Corporation Act, even without obtaining any plan or building approval. Since the petitioner and her child are having share in the said property, she made a representation dated 16.05.2016 to the second respondent, requesting to stop the unauthorised construction. Finding no response, she has approached this Court with the present writ petition.

4. Heard the learned counsel for the petitioner and the learned standing counsel appearing for respondents 1 and 2.

5. Considering the facts and circumstances of the case, this Court, without going into the merits of the claim expressed by the petitioner, permits the petitioner to make a fresh representation along with a copy of this order to respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order. On making such representation, respondents 1 and 2 are directed to consider the same and take a decision, on merits and in accordance with law and also after issuing notice and providing an opportunity of personal hearing to the petitioner as well as to the third respondent. The said exercise shall be completed within a period of three months from the date of receipt of the representation from the petitioner.

6. Accordingly, the writ petition is disposed of. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai.
2. The Assistant Engineer,
Corporation of Chennai,
Division 155,
CMWSSB,
Alapakkam,
Chennai - 116.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.39743
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.39435

W.P.No.24213 of 2016

SVI (CO)
CA(27/07/2016)

सत्यमेव जयते

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