

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.342 of 2012

and M.P.No.1 of 2012

L.Ramanathan

... Petitioner

-vs-

1.The Commissioner,
Corporation of Chennai,
Chennai 600 003.

2.Kumar

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to take appropriate action against the 2nd respondent for unauthorized constructions under the various provisions of the Town and Country Planning Act and Madras Corporation Municipalities Act.

For Petitioner : Mr.S.P.Meenakshi Sundaram

For Respondents : Mr.A.Nagarajan for R-1

Respondent No. 2 : Dismissed vide order dated 30.06.2014

O R D E R

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

The allegation of the petitioner that the second respondent is making unauthorized construction in the rear side of his house bearing Door No.12, Essani Murthy Koil Street, Tiruvottiyur, Chennai, has remained unrebutted.

2.The petitioner took no steps to serve the second respondent and on 30.06.2014, when the matter was listed as a

default case, last opportunity was granted to comply with the requirement on or before 14.07.2014, failing which automatic dismissal shall take place. No steps were taken thereafter and this is the reason that the cause list shows that the writ petition already stands dismissed against the second respondent.

3.The aforesaid being the position, the affected party not being present, we are not inclined to pass any orders.

4.Writ petition, thus, stands dismissed. This will, however, not preclude the Corporation from inspecting the site and verifying whether any unauthorized construction has been made by the second respondent or not and to take action in accordance with law, if so found.

5.Consequently, M.P.No.1 of 2012 is also dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Commissioner,
Corporation of Chennai,
Chennai 600 003.

+1cc to Mr. S.P. Meenakshi Sundaram, Advocate, S.R.No.63569

nmi (CO)
md (14/11/2016)

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