

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

CORAM

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

W.P.No.25388 of 2016

A.Divakaran

.. Petitioner

-VS-

1. The Commissioner
Corporation of Chennai
Chennai

2. The Assistant Engineer
Corporation of Chennai
(Building and Planning)
Zone VI Division No.73
Ayanvaram, Chennai

3. A.Govindarajan

4. Lakshmikantham

5. A.Mohan

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 and 2 to demolish the illegal construction put up by the respondents 3 to 5 in the petition premises bearing Door No.56, Parthasarathy Street, Puliyanthope, Chennai 600 012, being part of S.No.1791 measuring 80 feet by 30 feet bounded on the North by the vacant land belonging to the vendor, East by Parthasarathy Naidu Street, South by Nalapady Ramasamy Reddy's plot and on the West by the vacant land of the vendor and measuring one ground and situate within the sub-registration District of West Madras and Registration District of Chengalpattu.

For Petitioner :: Mr.V.P.Rajendran

For Respondents:: Mr.A.Nagarajan for R1 & R2

ORDER

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

The petitioner has sought for issuance of a writ of a writ of mandamus, directing the respondents 1 and 2 to demolish the illegal construction put up by the respondents 3 to 5 in the petition premises bearing Door No.56, Parthasarathy Street,

Puliyanthope, Chennai 600 012, being part of S.No.1791 measuring 80 feet by 30 feet bounded on the North by the vacant land belonging to the vendor, East by Parthasarathy Naidu Street, South by Nalapady Ramasamy Reddy's plot and on the West by the vacant land of the vendor and measuring one ground and situate within the sub-registration District of West Madras and Registration District of Chengalpattu.

2. Heard the learned counsel for the petitioner and the learned standing counsel taking notice on behalf of the respondents 1 & 2.

3. The petitioner is before this Court complaining about the illegal construction put up by the contesting respondents 3 to 5, who are none other than the brothers and relative of the petitioner, on the ground that without a sanctioned plan and in violation of the rights available to the petitioner, the building is put up illegally.

4. It is for the petitioner to approach the civil Court and to get the dispute resolved. The petitioner can also give a representation to the respondent-Corporation, if there is any violation. If the issue/dispute is not resolved between the petitioner and the contesting respondents, namely, the brothers and relative of the petitioner, then it is for him to seek for appropriate orders before the civil Court and also before the respondent-Corporation. With this observation, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Commissioner
Corporation of Chennai
Chennai
2. The Assistant Engineer
Corporation of Chennai
(Building and Planning)
Zone VI, Division No.73
Ayanavaram, Chennai

+1cc to Mr.P. Rajendran, Advocate, S.R.No.41620

AD(CO)
EU(08/08/2016)

W.P.No.25388 of 2016