

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

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

Writ Petition No.25651 of 2016
and
WMP.No.21984 of 2016

Lake Area Residents Association
Rep. By its President
No.10, 7th Street, Nungambakkam
Chennai-600 034.

...Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. By the Secretary
Housing & Urban Development Department
Fort St.George, Chennai-600 009.
- 2.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.
- 3.The Commissioner
Corporation of Chennai
Rippon Building
Chennai-600 003.

4.K.B.Edison

...Respondents

Writ Petition filed praying to issue a Writ of Mandamus directing the 1st respondent to grant the petitioner an opportunity to be heard in deciding the legality or otherwise of the structure and utilization of the building situated at No.4, 7th Cross Street, Lake Area, Nungambakkam, Chennai-600 034.

For Petitioner : Mr.J.Adithya Reddy
For Respondents: Mrs.A.Srijayanthi, Spl.Govt.Pleader
for R1
Mr.K.Raja Shrinivas for R2
Mr.A.Nagarajan for R3

ORDER

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

Heard the learned counsel for the Petitioner, Mrs.A.Srijayanthi, who accepts notice for the 1st respondent, Mr.K.Raja Shrinivas and Mr.A.Nagarajan, who accepts notice for the 2nd and 3rd respondent respectively.

2. In the Writ Petition, it is averred that the 4th respondent had obtained permission from the appropriate authorities for the construction of the building for residential purpose, but, in contravention to the permission granted to him, constructed a building styled as "Church" and has been using as a Prayer Hall, Place of congregation etc, which resulted in restricting the free movement of the residents of 7th street in and out of their own houses and also creating noise pollution. It is further averred that both 4th respondent and petitioner herein filed Writ Petitions before this Court and also filed Special Revision Petition before the 1st respondent in this regard.

3. Now the Petitioner-Residents Association, is before this court for a direction to the 1st respondent to grant them an opportunity to be heard in deciding the legality or otherwise of the structure and utilization of the building situated at No.4, 7th Cross Street, Lake Area, Nungambakkam, Chennai-600 034.

4. After hearing the counsel on both sides, we hereby direct the 1st respondent to entertain the petitioner's grievance on their application being filed and to give them a fullest opportunity of being heard both in writing and oral and thereafter, consider the same and take necessary decision in accordance with law.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected WMP is closed.
nvsri

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

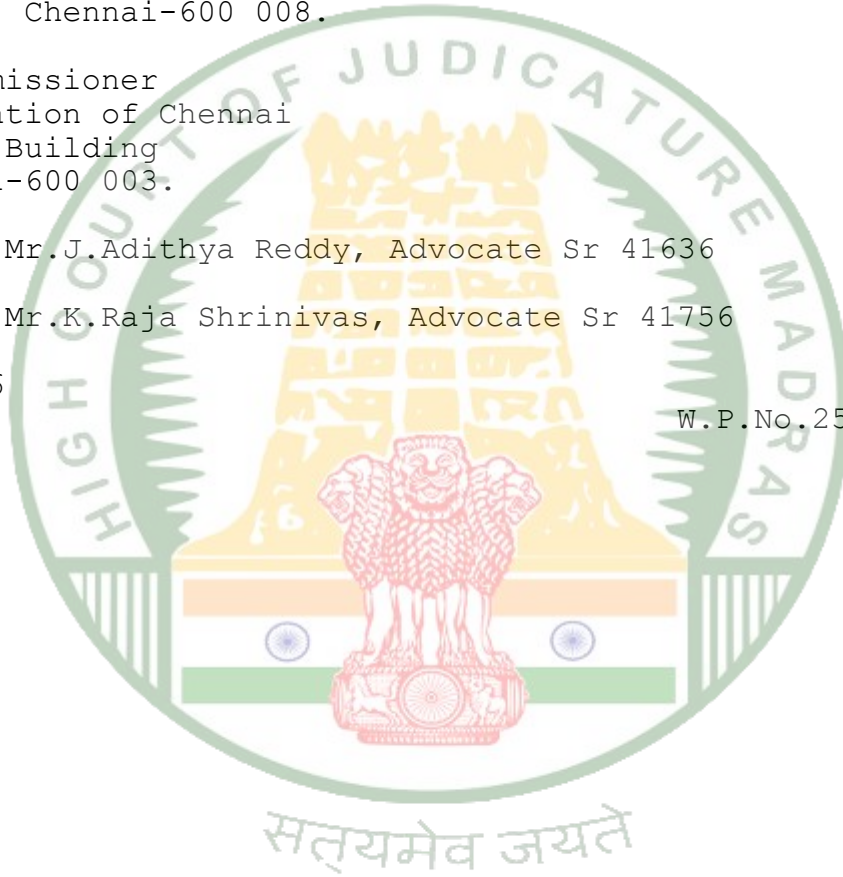
1. The Secretary
The State of Tamil Nadu
Housing & Urban Development Department
Fort St.George, Chennai-600 009.
- 2.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.
- 3.The Commissioner
Corporation of Chennai
Rippon Building
Chennai-600 003.

+ 1 cc to Mr.J.Adithya Reddy, Advocate Sr 41636

+ 1 cc to Mr.K.Raja Shrinivas, Advocate Sr 41756

KR/26/7/16

W.P.No.25651 of 2016



WEB COPY