

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.16708 of 2013
and M.P.No.1 of 2013

K.Sivanandam

.. Petitioner

-vs-

1.Corporation of Chennai,
Rep. By its Commissioner,
Rippon Buildings, Chennai 600 003.

2.Corporation of Chennai,
Rep. By its Executive Engineer,
Zone X, Kodambakkam, Chennai-24.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records from the 2nd respondent relating to Notice No.D133/003/2013 dated 24.05.2013 and quash the same and consequently forbear the respondents from removing the G.I. Sheets put inside the premises at Jan Flats, No.4/11, Karnan Street, Kodambakkam, Chennai-24.

For Petitioner : Mr.S.Satish

For Respondents : Mr.V.C.Selvasekaran

ORDER

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

On hearing the learned counsel for parties, it transpires that the G.I. Sheets used by the petitioner to cover the common area do not require any special permission, but being a common area, consent of all the persons using the common area is required and that is what precipitated the notice.

2.It appears that the other co-owners are objecting to the G.I. Sheets and thus, in our view, the petitioner cannot force them to accept it, but in case the others agree to it, then the action for the Corporation to proceed under the impugned notice would not arise.

3.We grant petitioner one month's time to obtain the consent of the co-owners who are jointly the co-owners of the common area and to file with the Corporation. If it is so done, no other action by the Corporation would be required, but if others are not willing, then the petitioner would have to remove what he perceives to be good for the others.

4.The Corporation may carry out an inspection after two (2) months.

5.Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2013 stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

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

2.The Executive Engineer,
Corporation of Chennai,
Zone X, Kodambakkam, Chennai-24.

+1cc to Mr.S. Sathish, Advocate, S.R.No.63420

nmi (CO)

md (14/11/2016)

W.P.No.16708 of 2013