

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2016

CORAM

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

W.P.No.28305 of 2016

Asiad Colony Flat Owner's Welfare Association
Regn.No.219/1990
rep by its Secretary V.Balasubramaniam
S/o M.N.Venkateswaran
No.197/18, Asiad Colony, Thirumangalam
Anna Nagar West Extension, Chennai-101 ... Petitioner

-vs-

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai
2. The Administrative Officer / Executive Engineer
Tamil Nadu Housing Board
Anna Nagar Division, Thirumangalam
Chennai 600 101
3. The Assistant Engineer
Corporation of Chennai
Division No.VII
Ambattur, Chennai .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, forbearing the
respondents from demolishing the said shop situated bearing Door
No.194-C, Asiad Colony, Thirumangalam, Anna Nagar West
Extension, Chennai 600 101.

For Petitioner :: Mr.C.Prakasam

For Respondents:: Mr.R.Arunmozhi for R1 & R3
Mr.V.Anandhamurthy for R2

ORDER

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

The petitioner has sought for issuance of a writ of mandamus, forbearing the respondents from demolishing the said shop situated bearing Door No.194-C, Asiad Colony, Thirumangalam, Anna Nagar West Extension, Chennai 600 101.

2. Heard the learned counsel for the petitioner, learned standing counsel taking notice for the Corporation and the learned standing counsel taking notice for the Tamil Nadu Housing Board.

3. It appears that the members of the petitioner-Association are maintaining a park in their colony since 2002 and according to the petitioner, adjacent to the park, in the vacant site belonging to the petitioner, they have constructed a shop and let out the same to a third party for running a tea stall. The petitioner also claims that they are paying property tax to the Corporation for the said tea shop. On the ground that the third respondent is attempting to demolish the tea shop, the petitioner is before this Court seeking to forbear the respondents from taking any action.

4. At the outset, the averment of the petitioner that they are paying the property tax etc., may not be a ground for running the tea shop, as the same does not come within the permission granted. Be that as it may, it is for the respondents to consider the grievance of the petitioner and to take a decision in accordance with law within a period of one month from the date of receipt of a copy of this order. It is for the petitioner to make all the submissions before the competent authority. Till such time a decision is taken by the authority concerned, status quo as on today shall be maintained by the parties. With this observation, the writ petition stands disposed of. Consequently, W.M.P.No.24405 of 2016 is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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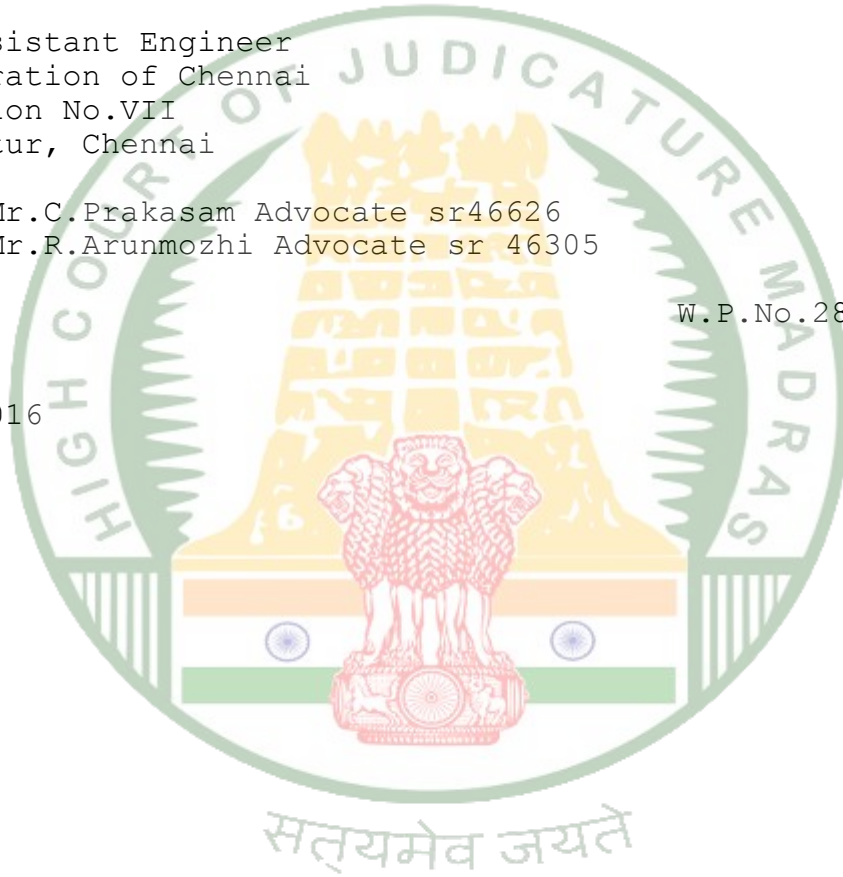
To

1. The Commissioner
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2. The Administrative Officer / Executive Engineer
Tamil Nadu Housing Board
Anna Nagar Division, Thirumangalam
Chennai 600 101
3. The Assistant Engineer
Corporation of Chennai
Division No.VII
Ambattur, Chennai

+1 cc to Mr.C.Prakasam Advocate sr46626
+1 cc to Mr.R.Arunmozhi Advocate sr 46305

W.P.No.28305 of 2016

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