

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2841 of 2016
and
WMP.No.2387 of 2016

K.Nalliappan

... Petitioner

Vs.

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

2. The Zonal Officer,
Zone VIII, Corporation of Chennai,
Shenoy Nagar, Chennai 600 030.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to remove the Platform at the three access points in front of Plots Nos.5165, 5166 and 5167, Anna Nagar, Chennai 600 040 to the extent of 20 feet each abutting New Avadi Road.

For Petitioner : Mr.R.Muthukumaraswamy
Senior Counsel
For Mr.A.Jenasenan

For Respondents : Mr.P.V.Selvakumar

ORDER

Heard Mr.R.Muthukumaraswamy, learned Senior Counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Standing Counsel accepting notice for the respondents and with their consent, the writ petition is taken up for final disposal at the admissions stage.

2. The petitioner is a proprietary concern which has constructed a building consisting of three Marriage Halls at Plot Nos.5164 to 5167 at Third Avenue, Anna Nagar, Chennai - 600 040. On the northern side of the property, the petitioner had not constructed any compound wall and on the side portion of the property is used as a parking area and a slope was provided so that the cars go into the road viz., New Avadi Road. Now the grievance of the petitioner is that taking advantage of the fact that there is no compound wall, the 2nd respondent has constructed a platform to a height of 1 1/2 feet and due to this, the persons, who come to attend the marriage functions, are unable to exist through the said northern side. It appears that the petitioner had requested the 2nd respondent to provide a slope in two or three places on the northern side of their property, so as to enable the cars to reach New Avadi Road. However, this representation given on 28.12.2015 appears to have not been considered and however, the work has already been completed. The petitioner would state that they are willing to bear the charges for providing the slope or in the alternative, they are willing to carry out the work of construction of slopes on the supervision of the officials of the Corporation of Chennai. Since the request is pending before the 2nd respondent and the learned Standing Counsel accepting notice for the 2nd respondent submits that the 2nd respondent will consider the request and pass appropriate orders.

3. In the light of the above, there will be a direction to the 2nd respondent to consider the petitioner's representation dated 28.12.2015 and examine the feasibility of providing slopes on the northern side atleast two or three places, so as to enable the vehicles coming to the petitioner's property to access the New Avadi Road. The 2nd respondent shall also cause an inspection of the area in the presence of the petitioner so as to work out a proper solution. This Court can take a judicial notice of the fact that several places in the City where platforms have been constructed to a height of 1 1/2 feet, the Corporation has provided slopping access to those properties and it is not known as to why such provision cannot be provided to the petitioner's property. The above direction shall be complied with within a period of two weeks from the date of receipt of a copy of this order.

4.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Sgl

To

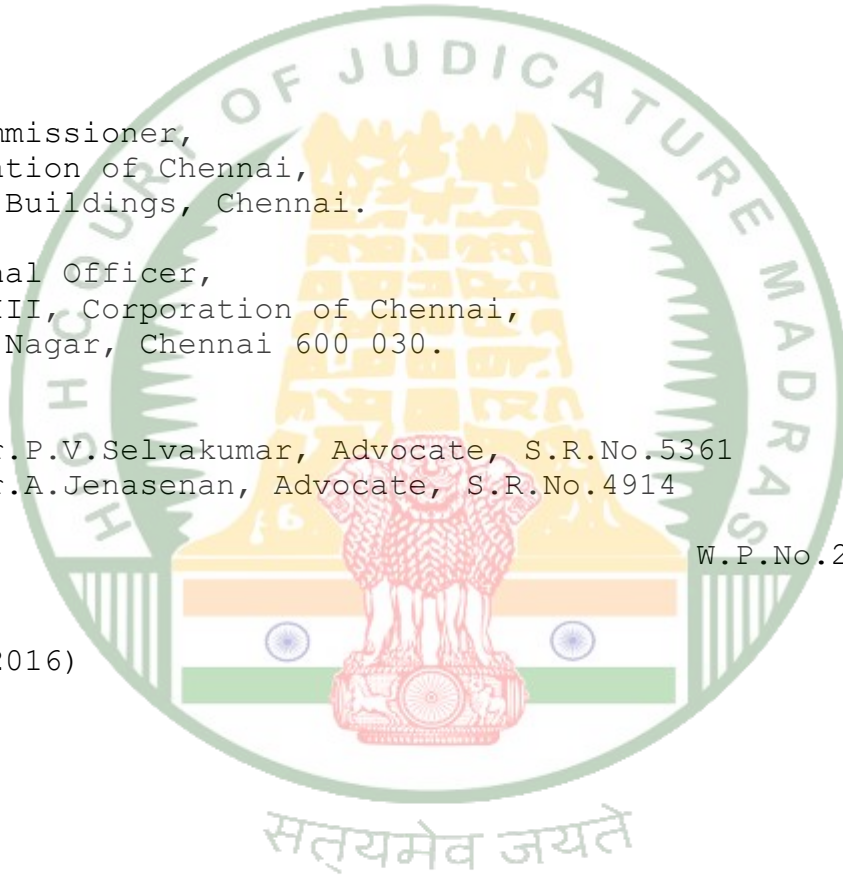
1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.
2. The Zonal Officer,
Zone VIII, Corporation of Chennai,
Shenoy Nagar, Chennai 600 030.

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.5361

+1cc to Mr.A.Jenasenan, Advocate, S.R.No.4914

W.P.No.2841 of 2016

JSV(CO)
CA(02/02/2016)



WEB COPY