

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.2988 of 2016
and
W.M.P.No.2464 of 2016

T.Dhanasekar

... Petitioner

Vs

1. The Executive Engineer
Corporation of Chennai
Zone 13, Dr.Muthulaxmi Salai
Chennai 600 020.

2. The Assistant Commissioner
Chennai Corporation
Zone 13, Dr.Muthulaxmi Salai
Chennai 600 020.

3. The Regional Deputy Commissioner
Chennai Corporation
Zone 13, Dr.Muthulaxmi Salai
Chennai 600 020.

4. K.Narayanan

... Respondents

Petition filed under Article 226 of the Constitution of India, praying this Court for the issuance of a writ of mandamus to direct the respondents 1 to 3 to consider the representation of the petitioner dated 21.01.2016.

For Petitioner : Mr.R.Selvakkodi

For Respondents : Mr.P.V.Selvakumar
Standing Counsel for Chennai
Corporation for RR1 to 3
Mr.P.J.Sri Ganesh for R4

ORDER

The petitioner has approached this Court seeking a mandamus to respondents 1 to 3 to consider his representation dated 21.01.2016.

2. Heard Mr.R.Selvakkodi, learned counsel appearing for the petitioner; Mr.P.V.Selvakumar, learned Standing Counsel appearing on behalf of Chennai Corporation and Mr.P.J.Sri Ganesh, learned counsel appearing for fourth respondent.

3. The petitioner is the owner of the property bearing Old Door No.54, New No.40, Teachers Colony, Adyar, Chennai 600 020. According to the petitioner, the fourth respondent, who is his neighbour, has let out the stilt area of his property for a commercial establishment and therefore, he gave a representation dated 21.01.2016 to the respondents 1 to 3 requesting them not to permit establishment of business in the residential area. This Court vide order dated 28.01.2016 granted interim injunction as the commercial establishment is sought to be established in an area, which is earmarked as a stilt parking area.

4. When the matter is taken up for hearing today, the learned counsel appearing for the fourth respondent would submit that the tenant to whom the area was let out for establishment of a shop has already vacated the premises. A counter affidavit has been filed in this regard stating that though the premises was leased out along with the car parking area, no permission was granted converting the car parking area as commercial establishment as alleged by the petitioner. He has further stated that the car parking area will not be utilized or converted into a shop. Para No.2 of the counter affidavit filed by the fourth respondent reads as follows:

"2. I state that a lease deed was executed in favour of Mr.Ravichandran, for the ground floor of the property with car parking for putting up Kovai Pazhamudir Cholai, which is a vegetable super market. The said premises were leased out along with the car park and no permission was granted for converting the car park as a commercial establishment as stated in the order dated 28.01.2016. I submit that the lessee has been instructed to vacate the premises. I further state that the car park will not be utilized for any conversion into a shop. The lessee is in the process of vacating the premises and will be vacating in a short time."

5. In view of the fact that an affidavit as stated above has been filed by the fourth respondent that the car parking area will not be converted for any other purpose, there shall be a direction to the fourth respondent, not to convert the stilt parking area for any other purpose other than the purpose for which it has been earmarked.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Executive Engineer
Corporation of Chennai
Zone 13, Dr.Muthulaxmi Salai
Chennai 600 020.
2. The Assistant Commissioner
Chennai Corporation
Zone 13, Dr.Muthulaxmi Salai
Chennai 600 020.
3. The Regional Deputy Commissioner
Chennai Corporation
Zone 13, Dr.Muthulaxmi Salai
Chennai 600 020.

+1cc to Mr.G.Murugendran, Advocate, S.R.No.36961

+1cc to Mr.P.J.Risghikesh, Advocate, S.R.No.36743

W.P.No.2988 of 2016

SSK(CO)
CA(19/07/2016)