IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.Nos.33489 of 2016
and
WMP.No.28903 of 206

N.R.Dhanakoti .. Petitioner

-vs-

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.
2.The Executive Engineer (Enforcement)
Corporation of Chennai,
No.62, Basin Bridge Road,
Old Washermanpet,
Chennai-600 021.
3.The Junior Engineer,
Corporation of Chennai,
Ward - 63, Division -14,
Zone 5, Veerabathiran Street,
Pudupet, Chennai-600 002.
4.S.Prema .. Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to take further action as contemplated under the Town and Country Planning Act, 1971 (Amended by Act 61 of 2008) pursuant to the Notice No./Dn.63 dated 29.02.2016 as against the unauthorised construction put up by the 4th respondent in the Premises bearing Door No.139 (Old No.73/2) General Patter's Road, Anna Salai, Chennai-600 002 measuring about 1700 sq. ft.

For Petitioners : Mr.K.S.Kumar

For Respondents : Mr.R.Arunmozhi for R1 to R3
Mr.V.Raghavachari for R4

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ORDER

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

This is a family dispute between the petitioner and respondent No.4, which is already a subject matter of civil suit for partition. The petitioner concedes that when respondent No.4 started construction, an application for interim relief was filed and injunction was granted. But it is alleged that respondent No.4 constructed the property contrary to the injunction order. That, in our view, would be the matter for the Civil Court to examine.

2. The second round of litigation is upon by filing the present writ petition, whereby the Corporation authorities are being asked to take action for the unauthorised construction. In this behalf, it may be recorded that notice was issued by the Corporation, which was assailed by respondent No.4 in W.P.No.10767 of 2016 and on the order being passed, the representation of respondent No.4 has been decided by the order passed by the Corporation on 25.7.2016. In terms thereof, respondent No.4 was called up to demolish the construction and stated that respondent No.4 has demolished the unauthorised construction in the second floor of the suit building by making holes in the roof.

3. We are of the view that in so far as the unauthorised construction is concerned, if something still remains, it is the matter for the Corporation to take action against respondent No.4.

4. In so far as the lis between the petitioner and respondent No.4 is concerned, that is the matter of a civil suit.

5. We are of the view that apart from the aforesaid, no further directions are required and the writ petition is closed. No costs. Consequently, W.M.P.No.28903 of 2016 is also closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

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

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2.The Executive Engineer (Enforcement)
Corporation of Chennai,
No.62, Basin Bridge Road,
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Chennai-600 021.

3.The Junior Engineer,
Corporation of Chennai,
Ward – 63, Division -14,
Zone 5, Veerabathiran Street,
Pudupet, Chennai-600 002.

+1 cc to Mr.r.Arunmozhi,advocate,sr.72871

+1 cc to Mr.K.S.Kumar,advocate,sr.72745

+1 cc to Mr.V.Raghavachari,advocate,sr.72739.

ca(co)
krd 27/12

W.P.No.33489 of 2016

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