

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.No.3478 of 2016

Mr. Vivek Kannan ... Petitioner
rep by its power Agent K.R. Kannan

Vs

1. The Commissioner,
Corporation of Chennai,
Chennai.
2. The Executive Engineer,
Corporation of Chennai,
TP Enforcement - Division-75,
Zone 6, Venkatadri Street,
Kosapet, Chennai 600 012.
3. M.S. Ramesh Kumar
4. N. Rajasekaran
5. N. Jayachander ... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the 1st and the 2nd respondent to dispose of the representation submitted by the petitioner dated 4th January 2016 herein with regard to the approval sanctioned by the 1st and 2nd respondents to the Flat constructed by the respondents 3 to 5 in the ground floor portion in Door No.41 Chellapa Mudali Street, Kosapet, Chennai-12 and direct them to demolish the ground floor house if it is found that it is an unauthorized construction.

For Petitioner : Ms. J. Vennila

For Respondents : Mr. A. Nagarajan - R1 & R2

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Mr. A. Nagarajan, learned counsel, accepts notice for the respondents 1 and 2. Notice to respondents 3 to 5 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the

consent of the learned counsel for the petitioner and the learned counsel for the official respondents, the writ petition is taken up for final disposal, at the admission stage itself.

2. By this petition, the petitioner seeks a direction to the respondents 1 and 2 to dispose of his representation dated 04 January 2016 with regard to the approval granted by the respondents 1 and 2 to the flat constructed by the respondents 3 to 5 in the ground Floor portion in Door No.41, Chellapa Mudali Street, Kosapet, Chennai-12 and to direct them to demolish the ground floor, if it is an unauthorized construction.

3. Learned counsel appearing for the respondents 1 and 2 submits that the petitioner's representation dated 04 January, 2016 will be considered and after conducting spot inspection in respect of the property in question, necessary action for removal of the encroachment, if any, will be taken in accordance with law and on its own merits, expeditiously.

4. Considering the limited scope of the relief sought by the petitioner and the submissions made by the learned counsel for the respondents 1 and 2, without going into the merits of the case, we direct the respondents 1 and 2 to consider the petitioner's representation dated 04 January, 2016 and take necessary action, on its own merits and in accordance with law, after conducting spot inspection in respect of the property in question and also after affording proper opportunity of hearing to all the parties concerned, including the alleged encroachers viz., respondents 3 to 5. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ra.

To

1. The Commissioner,
Corporation of Chennai,
Chennai.

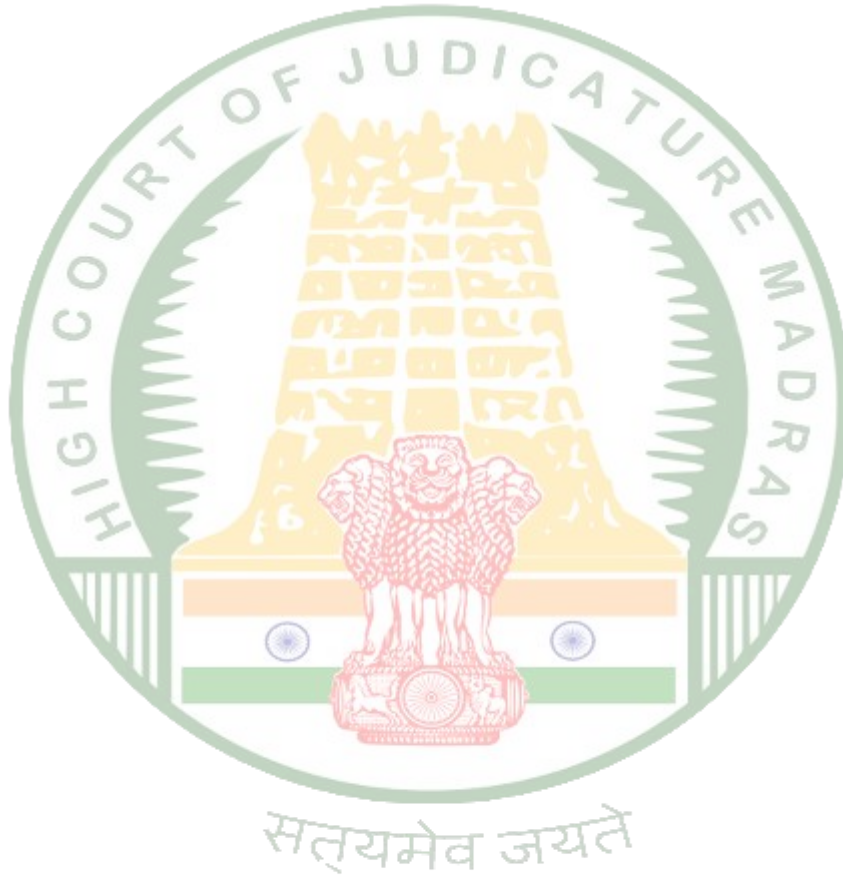
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2. The Executive Engineer,
Corporation of Chennai,
TP Enforcement - Division-75,
Zone 6, Venkatadri Street,
Kosapet, Chennai 600 012.

1 cc to M/s.A. Nagarajan, Advocate, Sr. 6199

W.P. No.3478 of 2016

VD (CO)
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