

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.36546 of 2016

and

W.M.P.No.31444 of 2016

M.Sekar

... Petitioner

-vs-

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.

2.The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai-3.

3.Assistant Engineer,
Ward No.194, Zone-15,
Chennai Corporation,
Solinganallur, Chennai-119.

4.Latha

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to take action on the representation made by the petitioner dated 29.08.2016 and 23.9.2016 forthwith against the fourth respondent so as to prevent the fourth respondent putting an unauthorised construction in and around 47B and 47C at PTC Quarters, Thoraipakkam, Chennai-97.

For Petitioner : Mr.R.Singaravelan
Senior Counsel for M/s.M.Srividhya

For Respondents : Mr.N.Sampath for R1
Mr.A.Nagarajan for R2 & R3

O R D E R

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

The petitioner has already filed the civil suit against respondent No.4 alleging that respondent No.4 is making an unauthorised construction affecting the rights of enjoyment of the flat by the petitioner. The petitioner claims to have obtained an injunction order.

2. In the aforesaid situation, we see no purpose in multifarious proceedings being initiated on the same issue by filing the present petition, albeit now against even the Corporation alleging that the Corporation has not acted in pursuance to the representations of the petitioner for removal of unauthorised construction.

3. We, however, make it clear that this in any way would not preclude the Corporation authorities from performing their statutory functions in pursuance to the representations of the petitioner.

4. The writ petition is closed. No costs. Consequently, W.M.P.No.31444 of 2016 is also closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.

2.The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai-3.

3.The Assistant Engineer,
Ward No.194, Zone-15,
Chennai Corporation,
Solinganallur, Chennai-119.

+1cc to Mr.A.Nagarajan, Advocate Sr.59056
+1cc to Mr.N.Sampath, Advocate Sr.59030
+1cc to M/S M.Srividhya, Advocate Sr.58999

W.P.No.36546 of 2016

RK (CO)
RVR 12/11/2016



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