

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.426 of 2016 and W.M.P. No.287 of 2016

Dr. Mrs. S. Josephine Helen

Petitioner

vs.

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 2 The Assistant Commissioner
Zone No.14
Corporation of Chennai
No.6/64, Puzhuthivakkam Main Road
Ullagaram, Nanganallur
Chennai 600 061
- 3 The Assistant Engineer (Civil)
Ward No.185, Corporation of Chennai
East Coast Road
Palavakkam
Chennai 600 041
- 4 Miskin

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to action(s) to demolish the illegal construction is being constructed by the fourth respondent in the second floor and set backs of the building at No.4/339, Sankarapuram I Street, Anna Salai, Palavakkam, Chennai 600 041 and also take any further action or actions against the fourth respondent.

For petitioner Mr. G. Sugadev Rajaguru

For RR 1-3 Mr. A. Nagarajan
Standing Counsel

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with at this stage, inasmuch no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Standing Counsel appearing for respondents 1 to 3, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the official respondents to demolish the illegal and unauthorised construction being put up by the fourth respondent, that too, without leaving any setback, in the second floor at Door No.4/339, Sankarapuram I Street, Anna Salai, Palavakkam, Chennai 600 041 and also to take further action against the fourth respondent.

3 The fourth respondent is stated to be the petitioner's neighbour. Noticing that the fourth respondent has, all of a sudden, started to put up alleged additional construction in the second floor without leaving any setback and also without any permission from the authorities concerned, the petitioner addressed a representation to the second respondent through the third respondent on 31 August 2015, seeking to cause inspection of the building and take necessary action against the fourth respondent. Seemingly, notwithstanding the warning given by respondents 2 and 3, the fourth respondent continued with the alleged illegal construction. Hence, the petitioner addressed a reminder dated 18 October 2015 to the second respondent with a copy marked to the third respondent. Yet, the illegal construction does not seem to have been stopped by the fourth respondent. Thus, feeling aggrieved by the inaction on the part of the official respondents, the petitioner has come up with the instant writ petition seeking the aforesaid relief.

4 Given the nature of relief sought by the petitioner, without going into the merits of the case, we direct the authority concerned to consider and pass orders on the petitioner's representation dated 31 August 2015 and reminder dated 18 October 2015 on their own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Needless to state that an opportunity of hearing be afforded to the fourth respondent, before taking any consequential action, if need be.

The writ petition stands disposed of accordingly sans costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 2 The Assistant Commissioner
Zone No.14
Corporation of Chennai
No.6/64, Puzhuthivakkam Main Road
Ullagaram, Nanganallur
Chennai 600 061
- 3 The Assistant Engineer (Civil)
Ward No.185, Corporation of Chennai
East Coast Road
Palavakkam
Chennai 600 041

+1cc to Mr.S. Mani, Advocate, S.R.No.890
+1cc to Mr.A. Nagarajan, Advocate, S.R.No.927
+1cc to the Government Pleader, S.R.No.915

SK(CO)
EU(21/01/2016)

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