

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM

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

W.P. No.4465 of 2016
and
W.M.P.No.3806 of 2016

S.Munuswamy Chowdry

Vs.

.. Petitioner

1. The Member Secretary,
C.M.D.A., Gandhi Irwin Road,
Egmore, Chennai - 8.
2. The Divisional Manager,
T.N.E.B., Mullai Nagar,
Tambaram (West),
Chennai - 45.
3. The Assistant Executive Engineer,
T.N.E.B., Mullai Nagar,
Tambaram, Chennai - 45.
4. The District Collector,
Kancheepuram.
5. The Tahsildar,
Tambaram.
6. M/s.Pace Builders Pvt. Ltd.,
rep. by Rajasekaran

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the first respondent herein to dispose of the representations of the petitioner on various dates viz., 06.03.2014, 06.05.2014, 12.06.2015 for the deviations in the constructions of the 6th respondent made in Old S.Nos.31/1B, 1C, 1D, 1E, 2A and 33/1A and the corresponding New T.S.Nos.9/9, 9/10, 9/11, 9/12, 9/13 and 15/2 measuring 1 acre and 26 cents and 4 cents of land in S.No.31/1A corresponding T.S.No.9/8 in Block no.19, Tambaram Village, Kancheepuram District, within the time frame to be fixed by this Court.

(Prayer amended vide order dated 15.02.2016 made in W.M.P.No.4411 of 2016 in W.P.No.4465 of 2016)

For Petitioner .. Ms.R.T.Shymala

For Respondents .. Mr.N.Sampath for R1
Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R4 & R5

ORDER

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

Mr.N.Sampath, learned Standing Counsel accepts notice on behalf of the first respondent and Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of respondents 4 and 5.

2.Considering the limited scope of the relief sought for in this petition, the writ petition is taken up for final hearing, with the consent of learned counsel for the official respondents represented through respective counsel. Notice to respondents 2, 3 and 6 is dispensed with at this stage inasmuch as we are not passing any order prejudicial to their interest.

3.Learned counsel appearing for the petitioner submits that the sixth respondent, being a builder, is constructing a building without proper approval and some portions were constructed contrary to approval. Therefore, the petitioner made a representation on 08 July 2014 to examine the same and take necessary steps as the illegal construction, which is being done by encroaching the Government land as well as the petitioner's land, would create obstruction and nuisance in the enjoyment of the property by the public.

4.Mr.N.Sampath, learned standing counsel appearing for the first respondent/Chennai Metropolitan Development Authority submits that action on the representation will be taken, within a period of six weeks from today, after issuing notice to the sixth respondent.

5.In view of the above submission made by the learned standing counsel for the first respondent/Chennai Metropolitan Development Authority, it is ordered accordingly.

6. With the aforesaid observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mmi

s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Member Secretary,
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 4. The District Collector,
Kancheepuram.
 5. The Tahsildar,
Tambaram.
- + 1 cc to M/s.R.T.Shyamala, Advocate, SR 20641
- + 1 cc to M/s.N.Sampath, Advocate, SR 20650
- + 1 cc to Govt.Pleader, High Court, Madras SR 20951

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