

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM:

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

THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.No.6422 of 2016

Sankar

... Petitioner

Vs

1. The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai 600 008.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Park Town, Chennai 600 003.
3. The Assistant Engineer,
Corporation of Chennai,
Zonal Office,
Thiruvottriyur High Road,
Tondiarpet, Chennai 600 081.
4. The Junior Engineer,
Corporation of Chennai,
Ward No.42, Zone IV,
Zonal Office,
Thiruvottriyur High Road,
Tondiarpet, Chennai 600 081.

5. M. Venkatesan

6. M. Babu

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents 1 to 4 to initiate action and stop the illegal unauthorized construction taking place in the passage in Old No.22, New No. 14, Rettai Kuzhi Lane, Tondiarpet, Chennai 600 081 on the basis of the petitioner's representation dated 30.01.2016.

For Petitioner : Mr. G. Mohanakrishnan

For Respondents : Mr. N. Sampath - R1

Mr. A. Nagarajan - R2 to R4

ORDER

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

Seeking a direction to the respondents 1 to 4 to initiate action and stop the illegal unauthorized construction taking place in the passage in Old No.22, New No. 14, Rettai Kuzhi Lane, Tondiarpet, Chennai 600 081 on the basis of the petitioner's representation dated 30.01.2016, the instant writ petition is filed.

2. Learned counsel for the petitioner submits that the petitioner has made oral request earlier, but, the authorities have not taken cognizance of the same. Thereafter, a representation was made in writing on 30th January, 2016 stating that the respondents 5 and 6 are making illegal and unauthorised construction in the aforestated passage.

3. On a perusal of the records, it is seen that without giving reasonable time to the authorities to take action on his representation dated 30th January, 2016 as it requires a spot inspection after serving notice to the concerned parties, the petitioner has virtually rushed to this Court with the instant writ petition on 19th February, 2016, within a period of two weeks. Thus, at this stage, we are not inclined to issue any direction as sought by the petitioner, for, a writ of mandamus cannot be sought without making a grievance of inaction or non-action or wrong action by the authorities.

4. In such view of the matter, this writ petition is not maintainable. Accordingly, this writ petition is dismissed. However, the petitioner is advised to give a reasonable time to take action and if the authorities fail to take steps within a reasonable time, then, a petition, as the present one, may be filed. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai 600 008.
2. The Commissioner,
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Park Town, Chennai 600 003.
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4. The Junior Engineer,
Corporation of Chennai,
Ward No.42, Zone IV,
Zonal Office,
Thiruvottriyur High Road,
Tondiarpet, Chennai 600 081.

+1 cc to Mr.N.Sampath, Advocate, sr.11134
+1 cc to Mr.G.Mohana Kumar, Advocate, sr.11110
+1 cc to Mr.A.Nagarajan, Advocate, sr.11010

W.P. No.6422 of 2016

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