

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6084 of 2017

Latha

.. Petitioner

Vs.

- 1 Corporation of Chennai
rep. by Executive Engineer
Rippon Building
Park Town, Chennai - 600 003.
- 2 Chennai Metropolitan Development Authority
Singaravelan Maligai, Gandhi Irvin Road
Egmore, Chennai - 600 088.
- 3 The Executive Engineer
Zone XV, Sholinganallur
Chennai - 600 119.
- 4 M.Sekar .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 3 to consider the representation of the petitioner dated 09.02.2017 and to demolish the unauthorized contribution erected by the 4th respondent.

For Petitioner : Mr.P.Prakash Paul

For Respondents : Mr.Arunmozhi
for respondents 1 and 3
Mr.Rajasrinivas
for 2nd respondent

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.Arunmozhi, learned counsel takes notice for respondents 1 and 3. Mr.Rajasrinivas, learned counsel takes notice for the second respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing respondents 1 to 3 to consider the representation of the petitioner dated 09.02.2017 and to demolish the unauthorized construction erected by the 4th respondent.

3. The petitioner and the fourth respondent are the owners of adjacent flats in the same building. It is alleged that the fourth respondent raised an unauthorized construction preventing smooth flow of light and air to the house of the petitioner and that the same also caused severe damage to the petitioner's flat. The petitioner made a representation to the respondent authorities on 9.2.2017 to remove the unauthorized construction put up by the fourth respondent. Alleging that the same did not evoke any response, the present writ petition is filed for the relief stated supra.

4. On hearing the learned counsel for the parties, we are of the view that the dispute between the petitioner and the fourth respondent regarding enjoyment of the property is civil in nature and the petitioner must approach the civil court for relief. However, we make it clear that this order shall not preclude the respondent authorities from considering the representation of the petitioner dated 9.2.2017 on merits and in accordance with law.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To:

- 1 The Executive Engineer
Corporation of Chennai
Rippon Building
Park Town, Chennai - 600 003.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Singaravelan Maligai, Gandhi Irvin Road
Egmore, Chennai - 600 088.

3 The Executive Engineer
Zone XV, Sholinganallur
Chennai - 600 119.

+1 cc to Mr.K.Raja Srinivas,advocate,sr.16274.

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krd 27/3

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