

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5601 of 2017

and W.M.P.No.5965 of 2017

R.Venkatachalapathy

.. Petitioner

Vs.

1.The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Salai
Egmore, Chennai.

2.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai.

3.A.Shivashankar

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 to 2 to take appropriate action on the illegal construction put up by the 3rd respondent at No.3/491A, Gurukripa Apartments, Kottivakkam, Chennai.

For Petitioner
For Respondents

Mr.J.Pothiraj
Mr.K.Rajasrinivas
for respondent No.1
Mr.A.Nagarajan
for respondent No.2

ORDER

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

Mr.K.Rajasrinivas, learned counsel takes notice for respondent No.1. Mr.A.Nagarajan, learned counsel takes notice for respondent No.2.

2. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing respondents 1 to 2 to take appropriate action on the illegal construction put up by the 3rd respondent at No.3/491A, Gurukripa Apartments, Kottivakkam, Chennai.

3. It is the case of the petitioner that the third respondent illegally constructed one flat in addition to the sanctioned plan. The petitioner made a representation to the respondent authorities to take suitable action to remove the unauthorized construction. However, no action was taken by the respondent authorities. Hence, the petitioner filed W.P.No.69 of 2011 and this Court, by order dated 5.1.2011, directed the respondent authorities to dispose of the representation of the petitioner. It is now alleged by the petitioner that no steps have been taken by the respondent authorities to remove the illegal construction. He made a representation to the respondent authorities on 24.5.2011. Since no action was taken by the respondents, the present writ petition is filed.

4. Considering the facts and circumstances of the case, we direct the respondent authorities to consider the representation of the petitioner dated 24.5.2011 and take steps to remove the illegal construction, if any, put up by the third respondent, of course by following due process of law. The said exercise shall be completed within three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5965 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

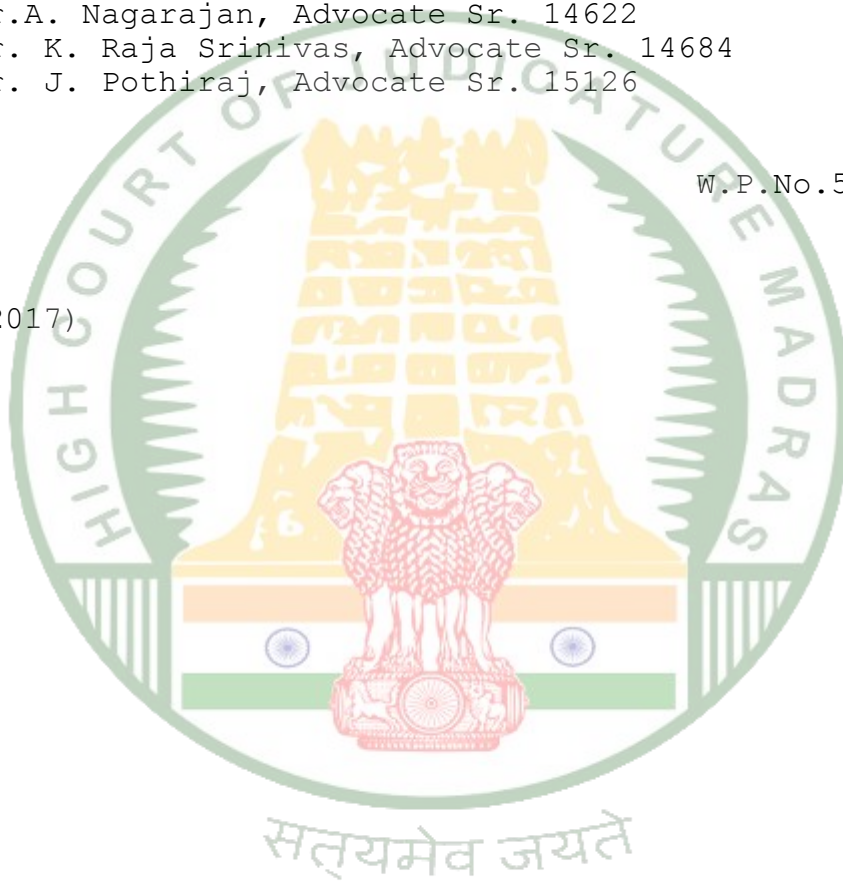
1.The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Salai
Egmore, Chennai.

2.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai.

+lcc to Mr.A. Nagarajan, Advocate Sr. 14622
+lcc to Mr. K. Raja Srinivas, Advocate Sr. 14684
+lcc to Mr. J. Pothiraj, Advocate Sr. 15126

W.P.No.5601 of 2017

MSM(CO)
VR(20/03/2017)



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