

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.02.2017

CORAM

THE HONOURABLE MR. HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. NO. 4790 OF 2017
AND
W.M.P. NO. 5026 OF 2017

M. Jayakumar .. Petitioner

- Vs -

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Chennai 600 008.
2. The Director
Municipality Department
Annexure Building 6th Floor
Ezhilagam, Chepauk
Chennai 600 005.
3. The Commissioner
Avadi Municipality
Avadi, Chennai 600 054.

4. Neelakandan .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents 1 to 3 to take appropriate action against the 4th respondent the illegally constructed building at No.52, Kulakkarai Street, Thirumullaivoyal, Chennai 600 062 and take necessary action against the 4th respondent and his firm K.V.R. Builders.

For Petitioner : Mr. K.Thirumalai

For Respondents: Mr. R.Vijayakumar, AGP for RR-2 & 3
Mr. Raja Srinivas for R-1

ORDER

(DELIVERED BY THE HON'BLE ACTING CHIEF JUSTICE)

This writ petition has been filed by the petitioner for a direction on respondents 1 to 3 to take action against the 4th respondent in relation to the illegal construction activity carried on by the petitioner in the petitioner premises.

2. It is stated that the 4th respondent has illegally constructed a building, which is in violation of the planning permission. Against the said violation, the petitioner sent a representation to the respondent/authorities. However, no action is said to have been taken on the said representation filed by the petitioner. Against the said act, the present petition is filed by the petitioner.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent authorities.

4. The record reveals that complainant alleging violation in construction by the 4th respondent, had sent a representation, but no action has been taken. However, it is brought to the notice of this Court that the petitioner, who is the complainant, is not at all a resident of the locality and, therefore, has no locus to file the petition under the caption public interest litigation. In such view of the matter, this Court holds that the petitioner has neither locus nor this petition could be treated as a public interest litigation. However, if there is any violation it is for the respondent authority to look into the matter and take appropriate action in accordance with law.

5. This petition is disposed of with the aforesaid observation. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Member Secretary
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2. The Director
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Avadi, Chennai 600 054.

+1cc to Mr.Thirumalai, Advocate, S.R.No.12916
+1cc to Mr.Srinivas, Advocate, S.R.No.13233
+1cc to the Government Pleader, S.R.No.12753

SK(CO)
Rs(20/03/2017)

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सत्यमेव जयते

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