

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM

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

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4925 of 2017

Syed Ismail

.. Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.
2. The Executive Engineer
Town Planning Enforcement
Office of Regional Joint Commissioner
Corporation of Chennai, Zone VIII
Jayammal Street, Shenoy Nagar
Chennai - 600 030.
3. The Assistant Executive Engineer
Enforcement
Regional Deputy Commissioner
Office Central,
Corporation of Chennai
Zone VIII, Jayammal Street,
Shenoy Nagar
Chennai - 600 030.
4. The Assistant Engineer
Corporation of Chennai
Zone VIII, Jayammal Street
Shenoy Nagar, Chennai - 600 030.
5. Balakumar
6. The Junior Engineer
Division No.101
Corporation of Chennai
Chennai - 600 030.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 29.9.2016 complaining about the illegal construction from the 5th respondent in new Door No. 20, Crescent Road, West Shenoy Nagar, Chennai - 600 030 and take necessary action in accordance with law.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.R.Arunmozhi
for respondents 1 to 4 &
6

ORDER

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

Mr.R.Arunmozhi, learned counsel takes notice for respondents 1 to 4 and 6.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the second respondent to consider the his representation dated 29.9.2016 complaining about the illegal construction from the 5th respondent in new Door No. 20, Crescent Road, West Shenoy Nagar, Chennai - 600 030 and take necessary action in accordance with law.

4. The grievance of the petitioner is that the fifth respondent, who is his neighbour, is making construction without any sanctioned plan. It is further alleged that without leaving any setback he is raising concrete columns by causing damage to the compound wall of the petitioner. Complaining about the same, the petitioner has sent a representation on 29.9.2016 to respondents 1 to 4. However, no action has been taken till date. Hence, the present writ petition.

5. Considering the facts and circumstances of the case, we direct the second respondent to consider the representation of the petitioner dated 29.9.2016 and pass appropriate in accordance with law within three months from the date of receipt of a copy of this order. We make it clear that before initiating any action against the fifth respondent, the respondent/authorities shall afford an opportunity of hearing to him.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5157 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.
2. The Executive Engineer
Town Planning Enforcement
Office of Regional Joint Commissioner
Corporation of Chennai, Zone VIII
Jayammal Street, Shenoy Nagar
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3. The Assistant Executive Engineer
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Regional Deputy Commissioner
Office Central, Corporation of Chennai
Zone VIII, Jayammal Street,
Shenoy Nagar
Chennai - 600 030.
4. The Assistant Engineer
Corporation of Chennai
Zone VIII, Jayammal Street
Shenoy Nagar, Chennai - 600 030.
5. The Junior Engineer
Division No.101
Corporation of Chennai
Chennai - 600 030.

+1cc to Mr.T. Velumani, Advocate, S.R.No.12901
+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.12830

SSI(CO)
EU 13.03.17

W.P.No.4925 of 2017