

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.11.2017
CORAM
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE
W.P.No.20992/2017

N.Dhanalakshmi

... Petitioner

vs

- 1.The Member Secretary
Chennai Metropolitan Development
Authority, Egmore, Chennai 600 008.
- 2.The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai.
- 3.The Zonal Officer, Zone XV
Corporation of Chennai
Sholinganallur, Chennai 600 119.
- 4.Yobu Gnanaprakasam

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 22.07.2017.

For Petitioner : Mr.J.Sudhakaran
For R1 : Mr.N.Sampath
For R2&R3 : Mr.A.Nagarajan
For R4 : Mr.N.Selvaraju

सत्यमेव जयते
ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.N.Sampath, learned Standing counsel appears on behalf of the 1st respondent ; Mr.A.Nagarajan, learned standing counsel appears on behalf of the respondents 2 and 3 ; and Mr.N.Selvaraju, learned counsel appears for the 4th respondent.

2 The petitioner claims to be the absolute owner of the property of a gramathanam land comprised in S.No.439/17 admeasuring to an extent of 3150 sq.ft., situate in Sathyavani Muthu Street, Parameshwaran Nagar, Chennai-119, which falls

within the jurisdiction of the Zonal Officer, Zone-XV, Corporation of Chennai and according to her, the 4th respondent during the month of October 2016, had illegally trespassed into her property and demolished the hut and started putting up an illegal construction and in this regard, a police complaint as well as representations dated 30.12.2016 and 22.07.2017 respectively, were given to the respondents and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition

3 The writ petition was entertained on 07.08.2017 and notices were ordered to the respondents.

4 The 3rd respondent has filed the counter affidavit, stating among other things, the premises in question has been inspected by the Assistant Executive Engineer, Unit-44, Zone-XV along with the Assistant Engineer, Division 198 on 26.11.2016 and after inspecting the site in question, action has been initiated by issuing a notice dated 19.08.2017 u/s.56 and 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 197, for locking and sealing the premises and further course of action will be taken in accordance with law.

5 The learned counsel for the petitioner would submit that in the light of the issuance of the Notice dated 19.08.2017 by the 3rd respondent, the said official may be directed to expedite the further course

of action and demolish the unauthorized construction being put up by the 4th respondent.

6 Per contra, Mr.N.Selvaraju, learned counsel appearing for the 4th respondent would submit that there is civil dispute between the parties in respect of the land in question and Arignar Anna Arivu Valarchi Nala Sangam represented by the 4th respondent has filed a civil suit in OS.NO.506/2017 on the file of the Court of the District Munsif, Alandur against Thiru.Durairaj, N.Dhanalakshmi [petitioner herein] and Thiru.V.Mohanasundaram, praying for a judgment and decree to declare that the registered Settlement Deed dated 14.03.1986 and the Agreement of Sale dated 13.05.2006, are null and void and also for permanent injunction, restraining the defendants or anybody claiming through them from interfering with the peaceful possession and enjoyment and also restrain them from creating any encumbrance over the schedule mentioned property and the suit is still pending and therefore, the present writ petition is actuated by malice as well as oblique motive and prays for dismissal of the same.

7 The Court has considered the rival submissions and also perused the materials placed before it.

8 The grievance expressed by the petitioner is that despite very many representations submitted to the concerned official respondents, no action has been taken to demolish the unauthorised construction said to have been put up by the 4th respondent. The counter affidavit of the 3rd respondent would disclose that the Locking and Sealing Notice dated 19.08.2017 bearing No.35/2017/Dn-198 has been issued to the owner of the Plot No.1, Sathyavanimuthu Street, Sholinganallur, Chennai-119 and the said notice would indicate that two Ground Floors as per site, are measuring to an extent of 98.56 sq.m. and 10.25 sq.m. and both are totally an unauthorised one.

9 In the light of the said action being taken by the 3rd respondent, the grievance of the petitioner has been addressed and the 3rd respondent is directed to proceed further in accordance with law in terms of the said notice dated 19.08.2017 and pass appropriate orders as expeditiously as possible and the person/s aggrieved by the same, are at liberty to work out their remedy in accordance with law before the competent Forum.

10 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Member Secretary
Chennai Metropolitan Development
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Corporation of Chennai
Ripon Buildings, Chennai.

3.The Zonal Officer, Zone XV
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Sholinganallur, Chennai 600 119.

+1 cc to Mr.J.Sudhakaran Advocate sr 81437
+1 cc to Mr.A.Nagarajan Advocate sr 81363
+1 cc to Mr.N.Selvaraju Advocate sr 81258
+1 cc to Mr.N.Sampath Advocate sr 81196

W.P.No.20992/2017

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