

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 08.12.2017
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI
WP.No.31834/2017 & WMP.Nos.34980 & 34981/2017

1.Mr.T.Francis Edmund
2.Mr.K.N.Ramesh Babu
3.Mr.C.Solomon Selvaraj
4.Ms.D.Sailakshmi

.. Petitioners

Versus

1.The Commissioner
Greater Chennai Corporation
Rippon Building, Poonamallee High Road
Chennai 600 003.

2.Mrs.P.Shanmuga Priya
3.Mr.Faiyaz Ahmed
4.Mr.R.Mohammed Ziaudeen
5.Mr.Mohammed Ibrahim-Yasar Arafath

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 1st respondent to remove the illegal and unauthorised construction at G-1 and G-2 at New No.9, Old No.4, 1st Main Road, 7th Street, Thiruvalluvar Nagar, Erukkenchery, Chennai 600 118.

For Petitioners: Dr.Fr.Xavier Arulraj,
Senior Counsel
assisted by Mr.G.Mutharasu

For R1 : Mr.A.Nagarajan

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing counsel accepts on behalf of the 1st respondent.

2 The petitioners claim that they had purchased flats bearing Nos.S1, F2, S2 and S3 situate at second floor, at New No.9, Old No.4, 1st Main Road, 7th Street, Tiruvalluvar Nagar, Erukancherry, Chennai-118 from the respondents 2 to 4 through registered Sale Deeds dated 04.10.2013 ; 13.01.2014; ; 28.03.2016 and 26.09.2016 respectively. According to the petitioners, as per the Plan Approval accorded by the Corporation of Chennai / 1st respondent herein, it is obligatory

on the part of the respondents 2 to 4 to earmark and provide for car parking, motor rooms, security rooms, electricity meter room, lift, common toilet and rain water harvesting system in the above said premises. However, violating the same, the respondents 2 to 4 had put up two houses/flats bearing Nos.G1 and G2 in the said flat and it has been done in an illegal manner and in total violation / deviation of the sanctioned plan and in this regard, the petitioners have given a joint representation dated 27.10.2017 to the 1st respondent and despite receipt and acknowledgment, no orders have been passed so far and hence, the petitioners came forward to file the present writ petition.

3 Dr.Fr.Xavier Arulraj, learned Senior Counsel assisted by Mr.G.Mutharasu, learned counsel for the petitioners has drawn the attention of this Court to the Xerox copy of the approved plan as well as the materials placed before this Court in the form of the typed set of documents and would submit that as per the approved plan, the portions earmarked as stated above in the ground floor have been converted and new two flats have come into being in the form of G1 and G2 and despite the said illegal act on the part of the respondents 2 to 4 though brought to the notice of the 1st respondent, it is yet to be taken cognizance and left with no other option only, the petitioners are constrained to approach this Court by filing the present writ petition.

4 Per contra, Mr.A.Nagarajan, learned Standing counsel appearing for the 1st respondent / Corporation of Chennai would submit that the representation dated 27.10.2017 submitted by the petitioners to the 1st respondent and the facts now pleaded are not disclosed.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, permits the petitioners to submit a joint representation to the Zonal Officer, Zone-IV, Corporation of Chennai, along with a copy of this order and also enclose the relevant documents including the Xerox copy of the approved plan within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the said official shall put the petitioners as well as the respondents 2 to 5 on notice and cause a joint inspection within a further period of four weeks thereafter and depending upon the result of the same, shall take a decision in accordance with law and communicate the decision taken, to the petitioners as well as to the respondents 2 to 5 herein.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP
To

The Commissioner
Greater Chennai Corporation
Rippon Building, Poonamallee High Road
Chennai 600 003.

Copy to:-

The Zonal Officer
Zone-IV, Corporation of Chennai,
266, Thiruvottriyur High Road,
Korukkupet, Old Washermenpet,
Chennai 600 021.

+1 cc to Mr.A.Nagarajan Advocate sr 87568
+3 ccs to M/s.Mutharasu Advocate sr 87209

WP.No.31834/2017

rj(co)
aa20/12/2017

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