

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.17674 of 2011

D.Radha, Rep. By her
Power of Attorney Agent, R.Murthy. ... Petitioner

-Vs-

1. M/s.Maha Builders,
rep. By C.Manivannan, Marketing
Executive.
2. Hema Balu
3. The Commissioner,
Corporation of Chennai,
Chennai 600 003. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 3rd respondent to issue necessary notice u/s 256 of the Chennai City Municipal Corporation Act 1919 to the 1st respondent who has been unlawfully making the said construction in connivance with the 2nd respondent and to take necessary action for demolition of the unauthorised buildings of Flat/Apartments having ground floor plus more than two floors by deviating the norms of building regulations prescribed by the C.M.D.A/Corporation ignoring and disrespecting the Civil Court order of Stay in C.M.P.No. 1347/09 in A.S. No. 401/09 dt 20.10.09 in the Plot No. 48 of Balamurugan Nagar at Velachery, Chennai 42 comprised in S.No.257 of Velachery Village, Mambalam-Guindy Taluk, measuring an extent of 2475 sq. ft.

For Petitioner : No appearance

For Respondents : Mr.R.Arunmozhi for R-3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

There appears to be private dispute between the petitioner and respondents 1 and 2 forming subject matter of a civil dispute where there are some interim directions passed. If the interim directions are being flouted, the petitioner can always take remedy of the same.

2.However, this would, in no manner, impede or absolve the third respondent from its duty to ensure that the construction sought to be made by the first two private respondents is in accordance with the sanction plan and to take action for any violation if so found.

Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

The Commissioner,
Corporation of Chennai,
Chennai 600 003.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.6442

सत्यमेव जयते

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ALA (CO)
CA(16/02/2017)

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