

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.21574 of 2017
& W.M.P.No.22563 of 2017

D.Jagadhammal

... Petitioner

Versus

1. The Commissioner
Chennai Corporation
Rippon Building, Chennai 600 003.

2. The Police Commissioner
Veppery, Chennai 600 007.

3. A.Moorthy

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to demolish the unauthorised construction put up by the 3rd responden in the petitioner premises at No.12, Narayana Saranga Garden, Klive Battery, Chennai 600 001, based on the petitioner's representation dated 18.07.2017 as per the Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.G.Ramakrishnan

For R1 : Mr.A.Nagarajan

For R2 : Mr.R.Vijayakumar,
Additional Government Pleader

WEB COPY

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 notice on behalf of the 1st respondent and Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the 2nd respondent.

2. The petitioner states that she is a widow and is residing in the premises bearing Door No.12, Narayana Saranga Garden, Clive Battery, Chennai-1. She is having the ownership in respect of the said property through a Document bearing No.19/2010 dated 10.09.2010 executed by her mother. The petitioner would further aver that she has leased out a portion of the said property in favour of the 3rd respondent, who without getting any permission from her and also without any planning permission or authorisation, started putting up a superstructure and in this regard, she has submitted representations dated 10.07.2017 and 19.07.2017 respectively to the respondents 1 and 2 and in spite of receipt and acknowledgment, no orders have been passed so far and hence, she came forward to file the present writ petition.

3. Mr.A.Nagarajan, learned Standing counsel appearing for the 1st respondent who would submit that the competent authority to deal with the said issue is the Zonal Officer, Zone-V, Greater Chennai Corporation, Royapuram, Chennai-600013 and the petitioner may be permitted to submit a representation to the said official.

4. Heard the submissions of the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the 2nd respondent and perused the materials placed before this Court.

5. Though the petitioner has 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 petitioner, permits the petitioner to submit a representation along with a copy of this order to the Zonal Officer, Zone-V, Greater Chennai Corporation, Royapuram, Chennai-600013, within a period of two weeks from the date of receipt of a copy of this order and the said official, upon receipt of the same, is directed to put the 3rd respondent on notice and thereafter cause inspection in the presence of the petitioner and the 3rd respondent or their authorised representative and thereafter, take appropriate action in accordance with law within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the 3rd respondent.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP

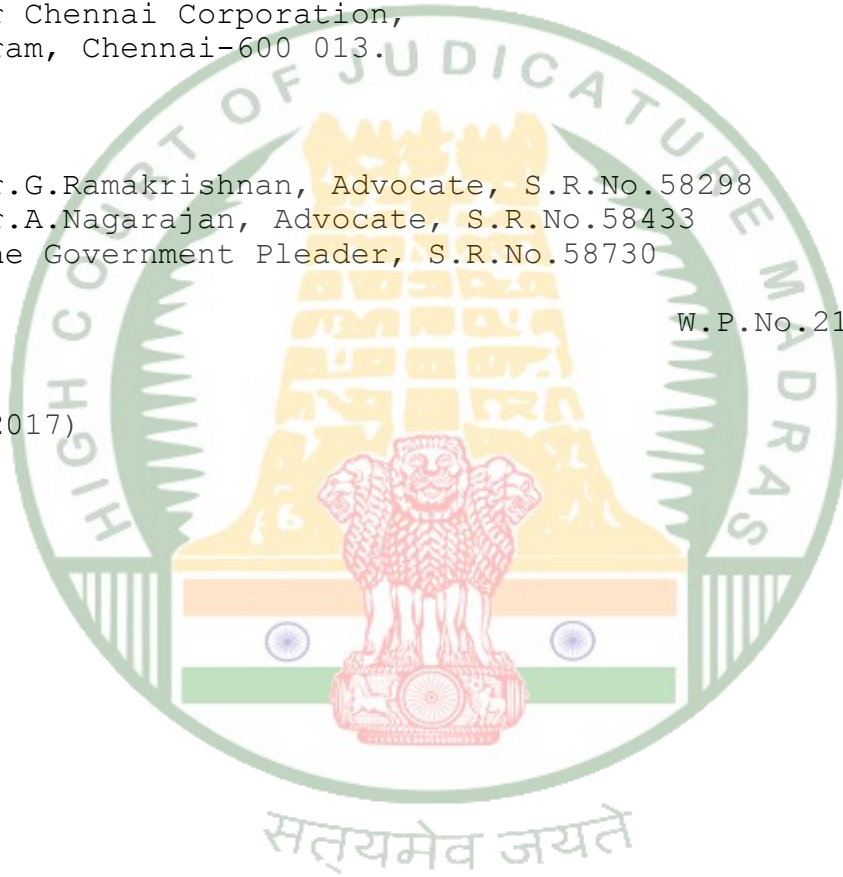
To

1. The Commissioner
Chennai Corporation
Rippon Building, Chennai 600 003.
2. The Police Commissioner
Veppery, Chennai 600 007.
3. The Zonal Officer, Zone-V,
Greater Chennai Corporation,
Royapuram, Chennai-600 013.

+lcc to Mr.G.Ramakrishnan, Advocate, S.R.No.58298
+lcc to Mr.A.Nagarajan, Advocate, S.R.No.58433
+lcc to the Government Pleader, S.R.No.58730

W.P.No.21574 of 2017

RV(CO)
CA(21/08/2017)



WEB COPY