

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.12265 of 2017
and W.M.P.No.13046 of 2017

K.Amina

.. Petitioner

-vs-

- 1.The Member Secretary,
Chennai Metropolitan Development
Authority, 1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
- 3.M/s.Pasumai Poonga Welfare Association,
Rep. By its President Jayakumar. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 and 2 to dispose the petitioner representation dated 27.4.2017 and consequently issue suitable orders against the 3rd respondent and issue orders to demolish the unauthorized construction made by the 3rd respondent in front of commercial 'Door No.G.2, G.3 and G.4 in Block No.1, Mugalivakkam Main Road, Madhananthapuram, Chennai 600 125 which is about 150 feet length with the height of 6 feet or thereabouts.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.C.Johnson for R-1
: Mr.V.C.Selvasekaran for R-2

O R D E R

(Order of the Court was made by M.Sundar, J.)

This writ petition has been filed with a prayer to issue a mandamus to direct respondents 1 and 2 to dispose of a representation dated 27.04.2017 given by the petitioner pertaining to alleged unauthorized construction made by the third respondent.

2.Though there is another limb of prayer wherein a direction to the authorities to demolish the alleged unauthorized construction has been made, at the hearing, Mr.Bharathy, learned counsel for the petitioner, abridges / restricts the prayer and submits that it would suffice if a direction is given to respondents 1 and 2 to dispose of the petitioner's representation dated 27.04.2017 within a time frame.

3.Mr.C.Johnson and Mr.V.C.Selvasekaran, learned counsel, are present on behalf of the first respondent / CMDA and second respondent / Chennai Corporation respectively.

4.Considering the innocuous nature of the prayer, we direct the first respondent / CMDA to dispose of the representation of the petitioner dated 27.04.2017 (found at page 6 of the typed set of papers), after putting on notice all concerned, particularly respondent no.3 (private respondent), who is the alleged encroacher / encroacher according to the petitioner, in accordance with law as expeditiously as possible and in any event, within six (6) weeks from the date of receipt of a copy of this order.

5.Though obvious, for the purpose of abundant clarity and removal of doubts, we make it clear that owing to the prayer being abridged, the authorities concerned will not be precluded from taking enforcement action such as demolition, depending on the outcome of the disposal of the representation.

6.Writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.No.13046 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Member Secretary,
Chennai Metropolitan Development
Authority, 1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

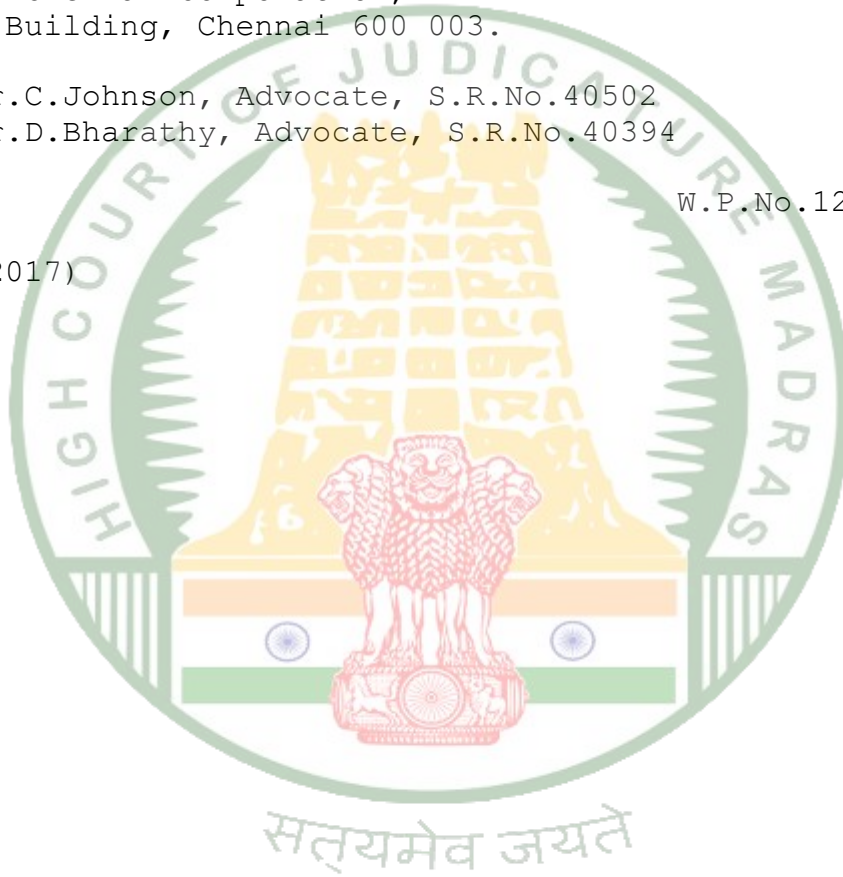
2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.

+1cc to Mr.C.Johnson, Advocate, S.R.No.40502

+1cc to Mr.D.Bharathy, Advocate, S.R.No.40394

W.P.No.12265 of 2017

RS(19/06/2017)



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