

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2017

CORAM:

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

W.P.No.33720/2017

S.Elumalai ... Petitioner

Vs

1. The Commissioner
Greater Chennai Corporation
Rippon Building,
Chennai - 600003.
2. The Regional Deputy Commissioner (North)
No.62, Basin Bridge Road
Old washermenpet,
Chennai-600021.
3. The Executive Engineer
Zone-V, Greater Chennai Corporation
Old Washermenpet,
Chennai-600021.
4. The Assistant Engineer,
Division-58 Zone-V,
Greater Chennai Corporation
Periamet, Chennai-600 003.

5. Mr.D.Hussain Ansar ... 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 in the first floor of the property situated at No.13/25, Purasaiwalkam High Road, Vepery, Chennai-600007 by strictly complying the order dated 03.10.2016 passed by the Hon'ble Supreme Court of India in Civil Appeal No.9942 of 2016 and considering the petitioner's representation dated 25.07.2017.

For Petitioner : Mr.K.Elangoo

For R-1 to R-4 : 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 notice on behalf of the respondents 1 to 4.

2 The petitioner would state that the 5th respondent is the tenant of the premises bearing Door No.13/25, Purasaiwalkam High Road, Vepery, Chennai - 7 admeasuring to an extent of 2842 sq.ft. and is running a Hotel in the name and style as "M/s.Hotel New Deccan" and during the year 2005, he has put up an unauthorised construction, without the knowledge of the petitioner and the said issue was adjudicated before various Forums and reached finality before the Hon'ble Supreme Court of India, who vide order 03.10.2016 in Civil Appeal No.9942/2016, has passed orders based on the undertaking given by the 5th respondent that he would demolish the entire unauthorised construction and disposed of the matter accordingly. The 5th respondent has also demolished 938 sq.ft., of unauthorised construction during last week of December 2016 and once again started putting up a new construction in utter violation of the undertaking given by him before the Hon'ble Apex Court and that too, without planning permission and in this regard, the petitioner has given a representation dated 25.07.2017 to the 4th respondent and in spite of receipt and acknowledgment, no orders have been passed so far and taking advantage of the laxity on the part of the Corporation officials, the 5th respondent is making attempts to put up further construction and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the order of the Hon'ble Apex Court dated 03.10.2016 in Civil Appeal No.9942/2016 dated 03.10.2016 and would submit that based upon the affidavit of undertaking, the 5th respondent was allowed to remove the unauthorised construction of 762 sq.ft., under the supervision of the Engineers of the respondent / Corporation and after removal of the same, the 5th respondent started putting up additional construction and the representation submitted in this regard to the officials concerned, has failed to invoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing the above writ petition.

4 The Court heard the submission of Mr.A.Nagarajan, learned standing counsel appearing for the respondents 1 to 4 and also perused the materials placed before it.

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 merits of the claim projected by the petitioner, directs the Zonal Officer, Zone-V, Corporation of Chennai, Periamet, Chennai-3, to cause inspection of the premises bearing Door No.13/25, Purasaiwalkam High Road, Vepery, Chennai-600 007, after putting the petitioner as well as the 5th respondent within a period of two weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action within a further period of four weeks from the date of inspection and communicate the petitioner as well as the 5th respondent herein.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Commissioner
Greater Chennai Corporation
Rippon Building,
Chennai - 600003.
 2. The Regional Deputy Commissioner (North)
No.62, Basin Bridge Road
Old washermenpet,
Chennai-600021.
 3. The Executive Engineer
Zone-V, Greater Chennai Corporation
Old Washermenpet,
Chennai-600021.
 4. The Assistant Engineer,
Division-58 Zone-V,
Greater Chennai Corporation
Periamet, Chennai-600 003.
 5. Mr. D. Hussain Ansar
No.13/25, Purasaiwalkam High Road
Vepery, Chennai 600 007.
- [Copy marked to 5th respondent as per the order of the Court].

+ 1 cc to MR. K. Elango, Advocate SR.92266
+ 1 cc to Mr. A. Nagarajan, Advocate SR.92404

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