

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24830/2017 & W.M.P.No.26231/2017

M.Jagannathan ... Petitioner

Versus

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003

2. The Zonal Officer,
Zone - 13, Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
Chennai - 600 020

3. Mr.A.Joseph ... Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus to direct the respondents 1 and 2 herein from taking action for the ongoing illegal and un-authorised construction carried out by the 3rd respondent herein in Plot No.7-A of the Ex-Servicemen colony 1st Street, Adambakkam, situated within the jurisdiction of Ward 177 and Zone 13 of Chennai Corporation, by issuing stoppage notice and other consequential actions as contemplated under Chennai Corporation Act by passing appropriate action on the petitioner's representation dated 01.08.2016.

For Petitioner : M/s.Manoharan S.Sundaram
For Respondents: Mr.A.Nagarajan for R1 and R2

ORDER

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

By consent, this writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing counsel accepts notice on behalf of the respondents 1 and 2.

2 The Petitioner claims that he is the absolute owner of the land admeasuring to an extent of 106.14 Square meter (1140 sq. ft.) bearing Plot No.33 of Ex-Servicemen Colony, Adambakkam and comprised in Survey No.123/1 & 124 of Velachery Village, Guindy - Mambalam Taluk, Chennai District, Ward No.177 and Zone -13 of Chennai Corporation, which was allotted to him by the Tamilnadu Slum Clearance Board [TNSCB] through the Allotment Order dated 06.07.1995 under the Ex-servicemen category. The petitioner would further state that after allotment of the said land by the TNSCB, the petitioner had put up a superstructure after getting necessary approval/permission from the Corporation of Chennai. It is further averred by the petitioner that the owner of the western side land of the petitioner's property, viz., one Elumalai, had encroached upon his land to an extent of 100 sq.ft and measurement was done by TNSCB and vide communication dated 19.12.2012 Na.Ka.No.E7/18520/2012, the petitioner was informed that the original extent of land in S.No.33 after measurement is 105.10 sq.meters and not 106.14 sq.m.

3 The learned counsel for the petitioner would further submit that the said Elumalai in turn, had sold the said land in favour of the 3rd respondent herein, who had started putting up construction of the compound wall on the eastern side of the petitioner's property and in this regard the petitioner submitted a representation dated 01.08.2016 to the respondents 1 and 2 and in spite of receipt and acknowledgment, no response is forth coming and taking advantage of the sale, the third respondent is proceeding with the construction and if it is allowed to be completed, the same would affect the privacy of the petitioner and prays for appropriate order

4 The Court heard the submissions of Mr.A.Nagarajan, learned Standing counsel appearing for the respondents 1 and 2.

5 This Court taking into consideration, the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 2nd respondent to put the 3rd respondent on notice and thereafter, consider and dispose of the petitioner's representation dated 01.08.2016 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rka/dh

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003
2. The Zonal Officer,
Zone - 13, Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
Chennai - 600 020.
- 3.Mr.A.Joseph
No.7A, Ex-Servicemen Colony 1st Street
Adambakkam, Chennai 600 088.

[Copy marked to the 3rd respondent
as per the order of this Court]

+ 1 cc to M/s.Manoharan S.Sundaram, Advocate,SR.67654

+ 1 cc to Mr.A.Nagarajan, Advocate,SR.67995

WP.No.24830 of 2017

MR(CO)
NR 26/09/2017

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