

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE M.SUNDAR

W.P.No.15658 OF 2017

Suresh Chand Chodia

... Petitioner

Vs

1. The Chairman,
Chennai Metropolitan Development Authority,
(CMDA), Thalamuthu Natarajan Building,
Egmore, Chennai- 600 008.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
3. The Assistant Engineer,
Chennai Corporation,
Ward No. 33, Zone No. 3,
Bazaar Street
Madhavaram,
Chennai- 600 060.
4. Sri Devi
5. Usha Nandhini
6. Jayashree

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, direction to the respondents 1 to 3 to consider the Petitioner's representation dated 27.05.2017 and to take action against the unauthorised construction for commercial purpose carried out by the respondents Nos. 4 to 6 at door No. 47/64, Madhavaram High Road, Moolakadi, Chennai- 600 060.

For Petitioner : Mr.G.Anabayachozhan

For Respondents : Mr.C.Johnson for R1
Mr.A.Nagarajan
for R2 & R3

O R D E R

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

The writ petitioner and respondent Nos. 4 to 6 (private respondents) are in adjacent properties. The complaint of the petitioner is that respondent Nos. 4 to 6 are putting up unauthorized construction for commercial purpose at Door No. 47/64, Madhavaram High Road, Moolakadai Chennai- 600 060.

2. It is the further case of the petitioner that he had sent a representation dated 27.05.2017 to Chennai Metropolitan Development Authority (CMDA), Commissioner of Chennai Corporation (CoC) and the Assistant Engineer, Corporation of Chennai, who are respondents 1 to 3. The representation of the petitioner is dated on 27.05.2017.

3. The writ petitioner has sought for a mandamus to direct the official respondents before us i.e., respondents 1, 2 & 3 to consider his representation dated 27.05.2017 and to take action against the alleged unauthorized construction that is said to have been put up by respondents 4 to 6.

4. Though it has not been asserted and averred in the affidavit filed in support of the writ petition that the writ petitioner had put up construction in accordance with law i.e., strictly in accordance with the sanctioned plan/approval and other laws, when we put it to the learned counsel for the writ petitioner, he submitted that the petitioner is ready to have his property inspected by the authorities in this regard.

5. Therefore, we deem it appropriate to direct the office of respondents 1 and 2 (CMDA and CoC) to cause a joint inspection of both the petitioner's property at Door No. 46-C, Madhavaram High Road, Moolakadai Chennai as well as the property of respondents 4 to 6 at Door No. 47/64, Madhavaram High Road, Moolakadai Chennai-600 060 within a fortnight from the date of receipt of a copy of this order and if any unauthorized construction, violation of building plan or any other violation is found in either or both of the properties, the official respondents shall initiate action in accordance with law, after putting all concerned on notice particularly respondents 4 to 6 before us (private respondents) and conclude such proceedings within a period of two months thereafter. Post inspection, if action becomes necessary with regard to either of the properties, the orders that may be passed by the authorities in this regard shall be communicated to both the petitioner as well as respondents 4 to 6.

6. This writ petition, accordingly, stands disposed of.

No costs.

7. List for compliance on 01.09.2017.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bbr/bsm

To

1. The Chairman,
Chennai Metropolitan Development Authority,
(CMDA), Thalamuthu Natarajan Building,
Egmore, Chennai- 600 008.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
3. The Assistant Engineer,
Chennai Corporation,
Ward No. 33, Zone No. 3,
Bazaar Street
Madhavaram,
Chennai- 600 060.

Copy to

The Sub Assistant Registrar,
Writ Section,
High Court, Madras.

+1cc to Mr.G.Anabayachozhan, Advocate, S.R.No.44218
+1cc to Mr.C.Johnson, Advocate, S.R.No.44399
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.44163

W.P.No.15658 of 2017

RSI (CO)
CA(11/07/2017)