

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.15820/2017

A.C.Vijaysekaran

Petitioner

Vs

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8
2. The Commissioner,
Greater Corporation of Chennai,
Ripon Building,
Periamet, Chennai
3. The Assistant Commissioner,
Greater Corporation of Chennai,
Zonal Office - 9, No.4,
4th Cross Street, Lake View Area,
Nungambakkam, Chennai - 34
4. A.C.Rajasekaran,
S/o.A.P.Chandrasekaran,
New No.41, Old No.142-A,
Vanniar First Street,
Choolaimedu, Chennai - 94

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to take appropriate action based on the petitioner's representation dated 21.04.2017 to demolish the unauthorized construction of the second floor of the building situate at Door No.142-A, Vanniar First Street, Choolaimedu, Chennai - 94 bearing pimahash No.619, T.S.No.155, Block No.22, T.S.No.53 Part, Block No.21, measuring to an extent of 3630 Sq. ft.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.C.Johnson for R1
Mr.V.C.Selvasekaran for R2&R3

ORDER

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

By consent, the writ petition is taken up for final disposal at the admission stage itself. MR.C.Johnson, learned Standing Counsel accepts notice on behalf of the 1st respondent and Mr.V.C.Selvasekaran, learned Standing Counsel for the respondents 2 and 3.

2 The grievance expressed by the petitioner is that by virtue of the Deed of registered Settlement bearing Doc.No.3318 of 2006 dated 23.08.2006 and the Deed of Release bearing Doc.No.1367 of 2015 dated 06.04.2015 registered on the file of the Sub-Registrar, Kumbakonam, the petitioner became the absolute owner of the property in respect of the 1st floor and the ground floor was settled in favour of the 4th respondent - his brother and life interest was granted to his mother. The Petitioner would further aver that his brother namely the 4th respondent herein, without obtaining any Planning Permission, unauthorizedly started putting up additional construction. The petitioner in this regard, has also approached the Zonal Officer - IX of Greater Corporation of Chennai, by invoking the provisions of the Right to Information Act, 2005 and obtained information that the 2nd floor has been constructed unauthorizedly and Stop Up Notice has also been issued and the 4th respondent has also been called upon to submit the approved plan and thereafter, no action has been taken and the 4th respondent is continuing with the construction and therefore, prays for appropriate orders.

4 Heard the submissions of the learned counsel appearing for the petitioner ; Mr.C.Johnson, learned counsel appearing for 1st respondent and Mr.V.C.Selvasekaran, learned counsel appearing for 2nd and 3rd respondents.

5 The learned counsel appearing for Respondents 2 and 3 would submit that further action in pursuant to the Stop Up Notice as well as the notice calling upon the 4th respondent to produce the approved plan, would be taken after putting the 4th respondent on notice and appropriate orders will be passed very soon.

6 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 either in his representation or in the affidavit, directs the 3rd respondent to put the 4th respondent on notice and take appropriate action on the representation dated 21.04.2017 submitted by the petitioner on merits and in accordance with law and pass appropriate orders within a period of six 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 4th respondent.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Member Secretary,
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No.1, Gandhi Irwin Road,
Egmore, Chennai - 8
2. The Commissioner,
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3. The Assistant Commissioner,
Greater Corporation of Chennai,
Zonal Office - 9, No.4,
4th Cross Street, Lake View Area,
Nungambakkam, Chennai - 34

+2cc to Mr.S.Angamuthu, Advocate Sr.44327
+1cc to Mr.C.Johnson, Advocate Sr.44400

WP.No.15820/2017

srg 06/07/2017