

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.26986/2017 & WMP.No.28783/2017

J.Arul Baskar

...

Petitioner

Vs

1 The Commissioner
Corporation of Chennai
Rippon Buildings,
Chennai-03.

2 The Assistant Executive Engineer /
Assistant Engineer, Corporation of
Chennai, Zone-9, Muthiah Street
Teynampet, Chennai.

3 Mr.A.Micheal

...

Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of mandamus to consider the petitioner's complaint dated 08.08.2017 to the first and second respondents as against the third respondent and issue lock and seal notice to the 3rd respondent as contemplated under the Act in a time period.

For Petitioner : Mr.P.Sidarthan

For R1 & R2 : Mr.K.Soundararajan

ORDER

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

By consent, the writ petition itself is taken up for final disposal. Mr.K.Soundararajan, learned Standing Counsel accepts notice on behalf of the respondents 1 and 2.

2 The grievance expressed by the petitioner is that the 3rd respondent, his junior father/uncle and his father, viz., A.Joseph, has started a business under the name and style of "Das Colour Lab" in the year 1975 and he was the Managing Partner. The said business is active even as on date. The petitioner would further aver that his father had passed away due to heart attack on 09.03.1999, leaving behind the legal heirs. The petitioner would further submit that the petitioner is also the co-owner and he has also filed a suit for partition in CS.No.587/2016 for dividing the properties by metes and bounds and the said suit is pending and taking advantage of the same, his junior father/uncle, viz., the 3rd respondent has started putting up a semi-permanent fabricated structure on the top vacant floor of the premises bearing Door No.54, Cathedral Road, Chennai-86 and in this regard, a representation has also been given to the officials of the Corporation of Chennai, based on which, the 2nd respondent has issued a notice dated 06.09.2017, to the owner, calling for the approved plan.

3 The learned counsel for the petitioner would submit that after issuance of the notice dated 06.09.2017 calling for the approved plan, no further action has been taken by the 2nd respondent and in this regard, the petitioner has also submitted his reply/response dated 14.09.2017 and in spite of receipt and acknowledgment, no further follow-up action is being taken and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition.

4 Mr.K.Soundararajan, learned Standing counsel appearing for the respondents 1 and 2 would submit that depending upon the response given by the persons concerned, who are in receipt of the above said notice, further action will be taken in accordance with law.

5 The Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner had prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the 2nd respondent to take follow-up action in accordance with law as regards their notice dated 06.09.2017 bearing No.Z.O.C.No.Dn-118/5/2017, after putting the concerned persons on notice, within a period of six weeks from the date of receipt of a copy of this order and the decision taken in that regard, shall be communicated to the persons concerned including the petitioner herein.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

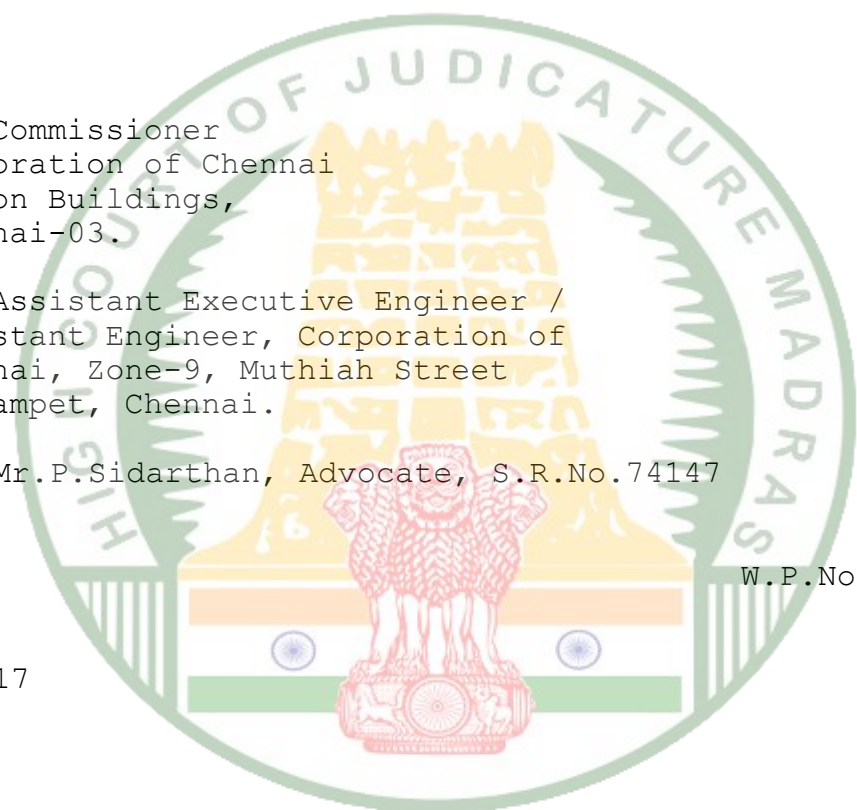
AP

To

- 1 The Commissioner
Corporation of Chennai
Rippon Buildings,
Chennai-03.
 - 2 The Assistant Executive Engineer /
Assistant Engineer, Corporation of
Chennai, Zone-9, Muthiah Street
Teynampet, Chennai.
- +2ccs to Mr.P.Sidarthan, Advocate, S.R.No.74147

SR(CO)
CS/20/11/17

W.P.No.26986/2017



सत्यमेव जयते

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