

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.28061/2017 & WMP.No.30140/2017

K.Raja

... Petitioner

Vs

1 The Secretary to Government
Housing & Urban Development Department
Secretariat, Fort St. George
Chennai 600 009.

2 The Member Secretary
CMDA, Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008.

3 The Commissioner
Chennai City Municipal Corporation
Rippon Buildings, Chennai 600 002.

4 Hariharan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 2 and 3 to take suitable action against the unauthorised construction and violations committed by the 4th respondent on the basis of the representation dated 21.09.2017 submitted by the petitioner within the time frame stipulated by this Court.

For Petitioner : Mr.G.Ramesh
For R1 : Mrs.M.E.Rani Selvam, AGP
For R2 : Mr.A.Kumar
For R3 : 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. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the 1st respondent ;

Mr.A.Kumar, learned standing counsel accepts notice on behalf of the 2nd respondent and Mr.A.Nagarajan, learned standing counsel accepts notice on behalf of the 3rd respondent.

2 The petitioner in the affidavit filed in support of this writ petition, would aver among other things that he is the owner of the land and superstructure bearing Door No.2, Shiekh Maistry Street and Jayavel Street, Royapuram, Chennai-13, opposite to Teresa Church and it is 20 years old and the said superstructure has been put up after obtaining planning permission and in accordance with the same. The petitioner would further aver that the 4th respondent who is residing behind his house, bearing Door No.6/41/1, Periathambi Main, Kasimedu, Chennai-13, for the past 20 years, under the guise of putting up a construction, has demolished a portion of the compound wall and also tried to trespass upon the petitioner's property. It is the specific case of the petitioner that the said construction being put up by the 4th respondent is without any authorisation or planning permit/permission and when the petitioner enquired about the same, the 4th respondent and his henchmen, not only abused the petitioner with unparliamentary words but also threatened him with dire consequences and in this regard, the petitioner has submitted a representation to the respondents 2 and 3 and though the said representation was received and acknowledged on 21.09.2017, not even inspection has been caused and the 4th respondent is merrily proceeding with the unauthorised construction and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that despite the complaint being given to the respondents 2 and 3, no action has been taken so far and left with no other option only, the petitioner has approached this Court by filing this writ petition.

4 The Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the 1st respondent ; Mr.A.Kumar, learned standing counsel appearing for the 2nd respondent and Mr.A.Nagarajan, learned standing counsel appearing for the 3rd respondent 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 specific allegations made by the petitioner that the 4th respondent is putting up unauthorised construction without any planning permission or approval, directs the respondents 2 and 3 to put the petitioner as well as the 4th respondent on notice and thereafter, cause inspection of the construction activity that is being carried out by the 4th respondent and depending upon the result of the same, shall take

action in accordance with law 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 herein.

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

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

AP

To

- 1 The Secretary to Government
Housing & Urban Development Department
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Chennai 600 009.
- 2 The Member Secretary
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- 3 The Commissioner
Chennai City Municipal Corporation
Rippon Buildings, Chennai 600 002.
- 4 Hariharan
No.6/41/1, Periathambi Main,
Kasimedu, Chennai 600 013.

[Copy of the order marked to the 4th respondent as per the order of this Court]

+1 CC to Mr.A. Nagarajan, advocate sr 77777.
+1 CC to The Govt. Pleaders sr 78285.
+1 CC to Ms . Rajesh, Advocate sr 78092

WP.No.28061/2017

RJ(CO)
SP(23/11/2017)