

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.28277 of 2017
&
W.M.P.No.30392 of 2017

Mrs.Usha

... Petitioner

Vs

1. The Commissioner
Pallavaram Municipality
Chromepet, Chennai 600 044.

2. Mrs.Lalitha Rukmani

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to take action against the 2nd respondent for the illegal constructions at Plot No.44, Balaji Nagar, Chromepet, Chennai-44, for violating the building plan approval.

For Petitioner : Mr.K.Narayanan

For Respondents : Mr.P.Srinivas for R1

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.P.Srinivas, learned standing counsel accepts notice on behalf of the 1st respondent.

2. The petitioner claims to be a resident of Plot No.25, Balaji Nagar, Chromepet, Chennai 600 044, for the past 25 years. On the Southern side of her plot, there is a landed property admeasuring to an extent of 1394 sq.ft., belonging to the 2nd respondent herein and the Northern portion of the property bearing Plot No.25, belongs to the petitioner and it admeasures to an extent of 2970 sq.ft.. The petitioner would further state

that the 2nd respondent after demolishing the old superstructure, started putting up a residential house and in the first floor, had started constructing the balcony which projects on the property of the petitioner. The petitioner, in this regard, has sought for the information, under the Right to Information Act, 2005 and as per the information furnished in Na.Ka.No.3680/2017/F1 dated 06.07.2017, the petitioner was informed that the 2nd respondent, in deviation of the planning permission, started putting up the construction and steps are being taken to issue a notice under section 205[1] and [2] of the Tamil Nadu District Municipalities Act, 1920.

3. The learned counsel for the petitioner would submit that though nearly four months had elapsed, no action, whatsoever, has been taken to call off the offending construction being put up by the 2nd respondent and hence, the petitioner is constrained to approach this Court, by filing the present writ petition.

4. Per contra, Mr.P.Srinivas, learned standing counsel appearing for the 1st respondent would submit that as per the information furnished under the Right to Information Act, 2005, vide communication dated 06.07.2017 [cited supra], 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 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, directs the 1st respondent to put the 2nd respondent on notice and thereafter, proceed further in accordance with law and pass appropriate orders within a period of eight 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 2nd respondent herein.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

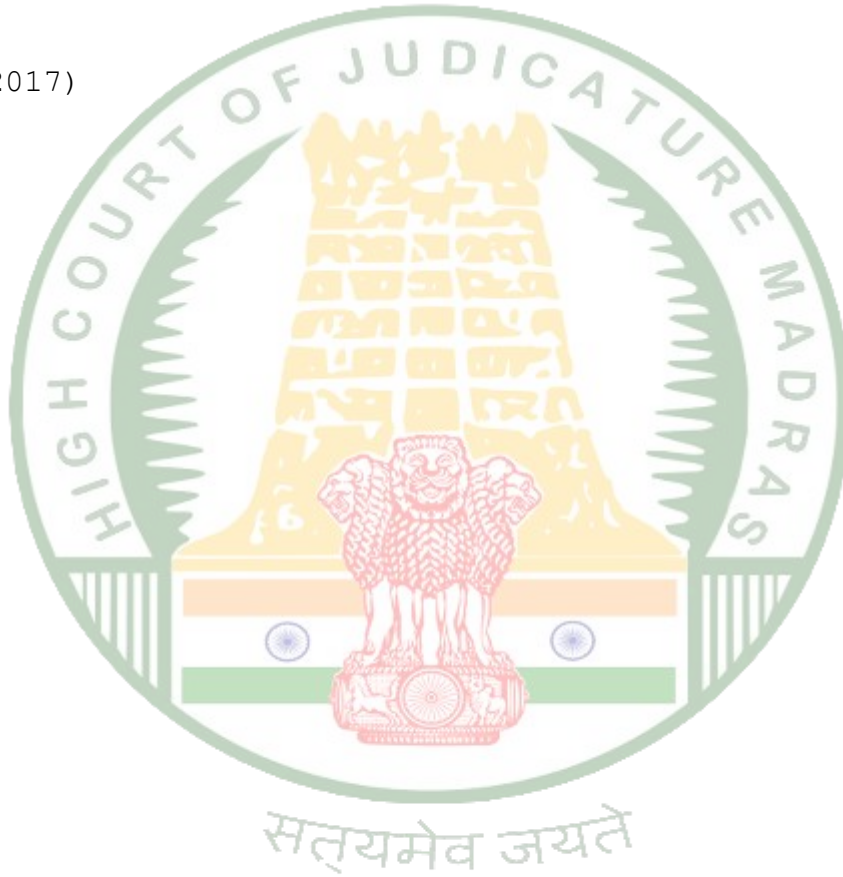
To

The Commissioner
Pallavaram Municipality
Chromepet, Chennai 600 044.

+2cc's to Mr.K.Narayanan, Advocate, S.R.No.78522
+1cc to Mr.P.Srinivas, Advocate, S.R.No.78734

W.P.No.28277 of 2017

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