

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:20.07.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE
W.P.No.18420/2017 & WMP.No.19989/2017

M.Sundaraiyan

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Petitioner

Vs

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003.

2.The Member Secretary
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.

3.The Zonal Officer,
Corporation of Chennai, Division 151,
Zone II, Unit 34, Valasaravakkam
Chennai 600087.

4.Kaliyaperumal

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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 action on the petitioner representation dated 20.11.2012, 05.12.2012, 13.01.2015, 26.04.2017 and 02.06.2017 to demolish the illegal and the unauthorised construction put up by the 4th respondent herein in D.No.4, Thirumurugan Nagar, II Cross Street, Porur, Chennai-116, Division - 151, Zone-II, Unit 34.

For Petitioner : Mr.S.Vijayakumar

For R1&R3 : Mr.A.Nagarajan

For R2 : Mr.N.Sampath

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned standing counsel accepts notice on behalf of the respondents 1 and 3 and Mr.N.Sampath, learned standing counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner claims to be a tenant of the premises bearing Door No.5, II Cross Street, Thirumurugan Nagar, Porur, Chennai-116, and he is a retired Government servant and the grievance expressed by him is that the 4th respondent, without obtaining any planning permission, started putting up construction adjacent to his own house bearing Door No.4, Thirumurugan Nagar, Porur, Chennai-116 and the said fact was also brought to the knowledge of the respondents.

3 The learned counsel for the petitioner has drawn the attention of this Court to the letter of the 2nd respondent dated 17.02.2015 bearing Letter No.G/2380/2015 and would submit that by the said communication, the 2nd respondent has requested the officials of the Corporation of Chennai to take necessary enforcement action against the construction under reference exercising the powers delegated by CMDA and also as per the Local Bodies Act, Madras City Municipal Corporation Act, 1919 and send a report to the Hon'ble Chief Minister Special Cell as well as to the petitioner directly and though nearly five years had lapsed from the date of the said communication, the Corporation officials are yet to take any action and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 This Court heard the submissions of Mr.A.Nagarajan, learned standing counsel appearing for the respondents 1 and 3 and Mr.N.Sampath, learned standing counsel appearing for the 2nd respondent and also perused the materials placed before it.

5 Though the petitioner prays 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 3rd respondent to put the 4th respondent on notice and thereafter, act on the above cited communication of the 2nd respondent dated 17.02.2015 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 the 4th respondent.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003.
- 2.The Member Secretary
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road
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- 3.The Zonal Officer,
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Zone II, Unit 34, Valasaravakkam
Chennai 600087.

+1 cc to Mr.A.Nagarajan Advocate sr 51201
+1 cc to Mr.N.Sampath Advocate sr 51680
+1 cc to Mr.S.Vijayakumar Advocate sr 18420

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