

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.29049/2017

R.Lakshmanan  
represented by Power Agen  
R.Sankareswari

... Petitioner

vs

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

2 The Commissioner  
Corporation of Chennai  
Ripon Buildings, Chennai 600 003.

3 The Executive Engineer  
Zone-11, Corporation of Chennai  
Valasarawakkam, Chennai 600087.

4 Mr.Venkatesan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents to remove the illegal and unauthorized construction put up by the 4<sup>th</sup> respondent at Plot No.\* **MIG-B-18**, 2<sup>nd</sup> Cross Street, Kurunji Nagar, Ramapuram, Chennai 600 089.

For Petitioner : Mr.S.Senthilnathan

For R1 : Mr.A.Kumar

For RR 2 & 3 : 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. Mr.A.Kumar, learned Standing counsel accepts notice on behalf of the 1<sup>st</sup> respondent and Mr.A.Nagarajan, learned Standing counsel accepts notice on behalf of the respondents 2 and 3.

2 The petitioner is the son of the Power of Attorney Agent, who has sworn to the affidavit on behalf of the writ petitioner and she would aver that her son is the absolute owner of the house, ground and premises bearing Plot No.\* **MIG-B-18**, 2<sup>nd</sup> Cross Street, Kurunji Nagar, Ramapuram, Chennai-600 089 and it was promoted by the Tamil Nadu Housing Board and originally, the sale in respect of the said plot was executed in favour of Tmt.K.R.Rajalakshmi, vide Document No.2423/2007 dated 06.08.2007 and from her, the son of the petitioner had purchased the property through a registered Sale Deed bearing Document No.1618/2008 dated 04.09.2008 registered on the file of the office of the Joint Sub-Registrar-II, Saidapet. The grievance expressed by the petitioner is that the 4<sup>th</sup> respondent is the owner of the adjacent Plot - MIG-B18 and without any planning permission, has put up an unauthorized construction consisting of Ground+First+Second Floors and thereby, blocking the free passage flow of air and light in her property and in this regard, a representation dated 16.06.2017 was submitted by the petitioner to the official respondents and despite receipt and acknowledgment, so far no orders have been passed and hence, the petitioner is constrained to approach this Court, by filing the present writ petition.

3 The learned counsel for the petitioner has invited the attention of this Court to the photograph available at page No.36 of the typed set of documents and would submit that the said construction has been put up without leaving any set back and it is also unauthorized and as such, the easementary right of light and air to the petitioner premises for the convenient enjoyment and living is prevented and hence, prays for appropriate orders

4 The Court heard the submission of Mr.A.Kumar, learned Standing counsel appearing for the 1<sup>st</sup> respondent and Mr.A.Nagarajan, learned Standing counsel appearing for the respondents 2 and 3 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 above facts and circumstances and without going into the claim projected by the petitioner,

directs the officials of the respondents 1 and 3 to put the petitioner as well as the 4<sup>th</sup> respondent on notice and thereafter, cause a joint inspection of the offending construction said to have been put up by the 4<sup>th</sup> respondent within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the said inspection the respondents 1 and 3 shall take action on merits and in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the 4<sup>th</sup> respondent herein.

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

Sd/-

Assistant Registrar (CS IV)

**\* Amended as per order of  
this Court dated 02.07.2018  
and made in WMP.No.5742 of 2018  
in WP.No.29049 of 2017.**

**-s/d-**

**Assistant Registrar (CS-IV)**

**dated 27.07.2018 //True copy//**

Sub Assistant Registrar

AP

To

1

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

2

The Commissioner  
Corporation of Chennai  
Ripon Buildings, Chennai 600 003.

3

The Executive Engineer  
Zone-11, Corporation of Chennai  
Valasarawakkam, Chennai 600087.

**Amended order to be  
substituted**

**For the order already  
despatched  
on 02.02.20158**

+1cc to Mr.A.Kumar, Advocate SR.No.81031

+1cc to Mr.A.Nagarajan, Advocate SR.No.80758

+1cc to Mr.S.Senthil Nathan, Advocate SR.No.80380

+1cc to Mr.K.Gokulram, Advocate SR.No.42132

(02.08.2018)

W.P.No.29049/2017

BR (CO)

GN(12/12/2017)

CS/30.07.2018