

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.11.2017

CORAM

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

WP.No.29253/2017

B.Sukumar

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Petitioner

Versus

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

2.The Executive Engineer
Chennai Corporation
Ward No.77, Zone NO.6,
No.5, Anderson Street,
Ayanavaram, Chennai 600 023.

3.Mrs.N.Kalyani

...

Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 1st and 2nd respondents to take appropriate steps against the 3rd respondent to put lock and seal in respect of the property situated at No.9A/21, Mosque Street, Pattalam, Chennai-600012.

For Petitioner : Mr.K.P.Chandrasekaran
For RR 1 & 2 : 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.Nagarajan, learned Standing counsel accepts notice on behalf of the respondents 1 and 2.

2 The petitioner would state that the North Street is near the Pattalam Market, Chennai-12 and it is a very small street and according to him, the 3rd respondent started putting up a huge construction in the form of two floors without obtaining any planning permission. The petitioner, in this regard, has approached the Public Information Officer of Zone-VI, Ward No.77, Greater Chennai Corporation, by submitting an

application dated 03.05.2017 under the Right to Information Act, 2005, seeking the details of the Planning Permission accorded to the 3rd respondent and further that the construction can be put up without any Planning Permission. The above said Officer has sent a reply dated 23.05.2017, stating among other things, the information with regard to Planning Permission accorded to the 3rd respondent as a third party information and with regard to the query asked for by the petitioner as to whether any construction can be put up without planning permission, it was in the nature of question and therefore, the information sought for by the petitioner, cannot be furnished.

3 The learned counsel for the petitioner would submit that the petitioner who is a resident of the adjacent street has to pass through the street in question, so also the other public and on account of the illegal / unauthorised construction put up by the 3rd respondent, he as well as the other road users are put to grave hardship and inconvenience and though a legal notice was sent as early as on 13.07.2017 to the 1st respondent, the petitioner is yet to be favoured with any kind of response and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 The Court heard the submissions of Mr.A.Nagarajan, learned Standing counsel appearing for the respondents 1 and 2 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 merits of the claim projected by the petitioner, either in his legal notice or in this writ petition, directs the 2nd respondent to put the petitioner as well as the 3rd respondent on notice and thereafter, consider and dispose of the petitioner's representation dated 13.07.2017 on merits and 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 3rd respondent herein.

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

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

AP

To

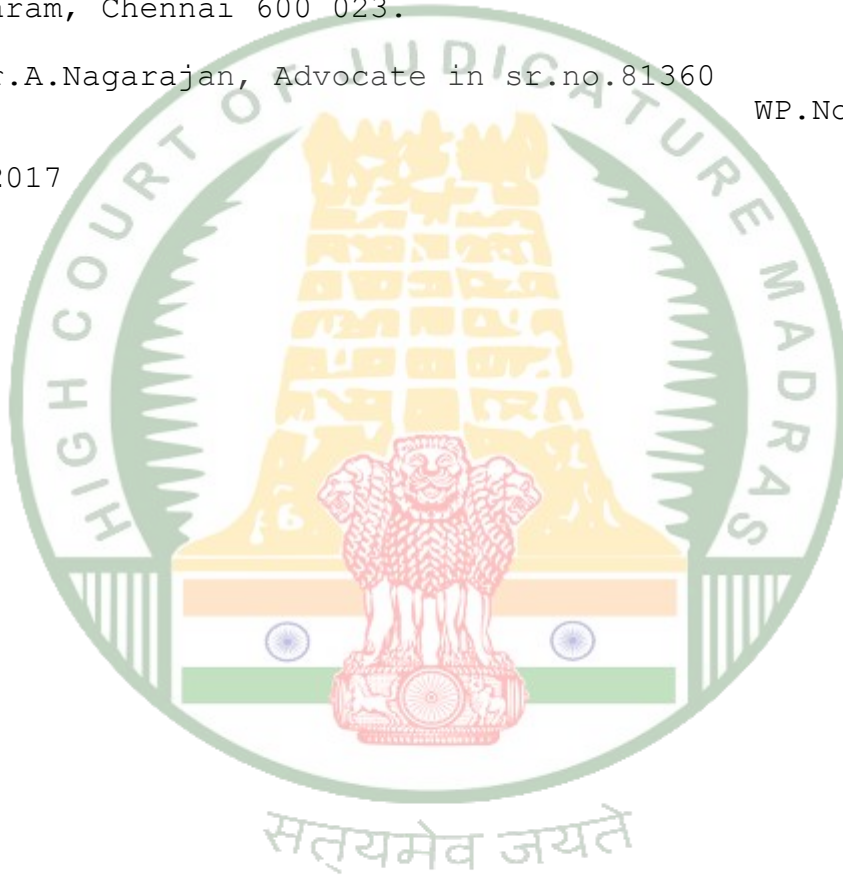
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+1cc to Mr.A.Nagarajan, Advocate in sr.no.81360

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NR 12/12/2017



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