

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.12879 of 2007
and
M.P.Nos.1 & 2 of 2007

A.Vanishree

... Petitioner

Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority
Thaalamuthu Natarajan Maaligai
Egmore, Chennai - 600 008.

2. The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.

3. Gowri Shankar

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 and 2 to reject the regularization application submitted by the 3rd respondent in the year 2000 and consequently direct the 1st and 2nd respondent to demolish the unauthorised construction put up by the 3rd respondent at premises No.36, Josier Street, Nungambakkam, Chennai - 600 034.

For Petitioner

: No appearance

For Respondents

: Mr.R.Arunmozhi
for 2nd respondent

No appearance
for respondents 1 and 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The learned counsel for the petitioner states that since he is the CMDA counsel now, he is unable to represent the petitioner.

2. We find from the petition that the petitioner has a dispute with the neighbour/third respondent on account of the reconstruction made by the third respondent in his property. It is the allegation of the petitioner that the third respondent submitted regularization application only in the year 2000, but the cut-off date is 28.2.1999. The third respondent is alleged to have put up construction only on 22.8.2000 and submitted a regularization application and thus the prayer made is that the regularization application should be rejected.

3. We are of the view that in the given facts of the case the only direction to be passed is that before regularization application of the third respondent is concerned (we do not even know the present state of it), the petitioner would be entitled to object to the same specifically to verify whether the construction by the third respondent was completed by 28.2.1999 or not.

4. In case the regularization application does not survive and the petitioner is still aggrieved, it is for the petitioner to file a civil suit so far as the grievance against the third respondent/neighbour is concerned.

The petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2007 are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sasi

To:

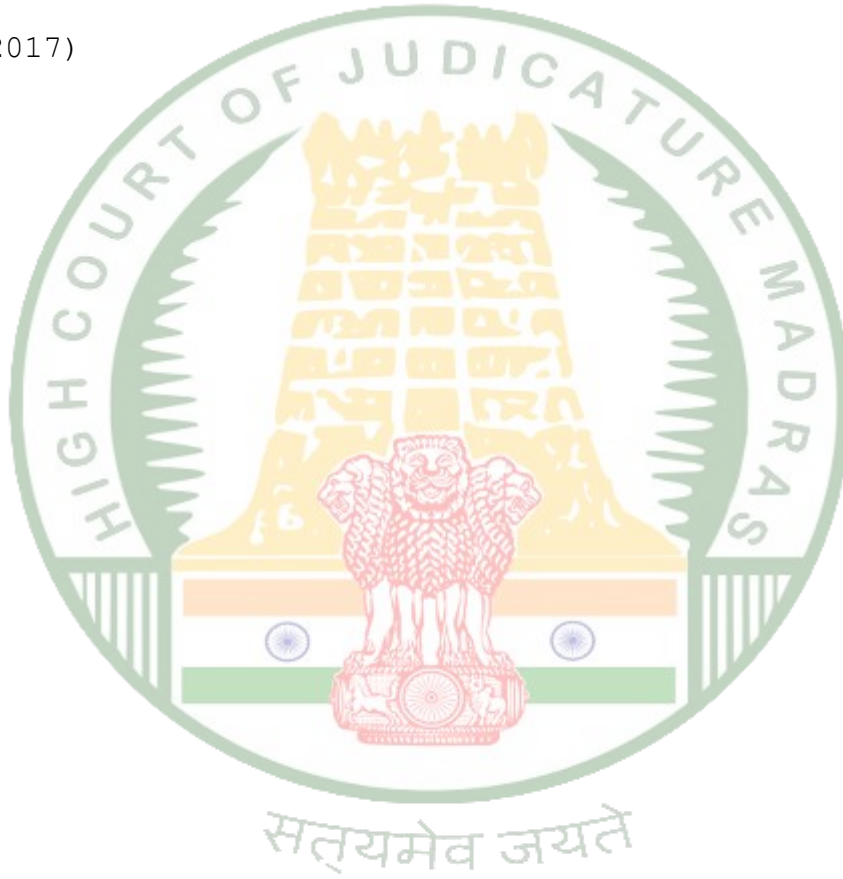
1. The Member Secretary
Chennai Metropolitan Development Authority
Thaalamuthu Natarajan Maaligai
Egmore, Chennai - 600 008.

2. The Commissioner
Corporation of Chennai
Rippon Building,
Chennai - 600 003.

+1cc to Mr.N.Sampath, Advocate, S.R.No.6790
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.6440

W.P.No.12879 of 2007

RSY(CO)
CA(10/02/2017)



WEB COPY