

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.11739 of 2004 and
W.M.P.No. 13820 of 2004

1.E.Gnanam
2.G.Muthu
3.G.Muthuraman

.. Petitioners

Vs.

1. The Corporation of Chennai
represented by its Commissioner,
Ripon Building, Park Town
Chennai-600 003.

2. Assistant Engineer,
Zone-V
Corporation of Chennai
Purasawalkam
Chennai-600 084

3. K.K.Hari

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in its proceedings Ref.No.22 dated 19.04.2004 issued under Sec.378 of the Madras Municipal Corporation Act, 1919 and quash the same and thereby issue a Mandamus forbearing the first respondent or his men, agents, servants or subordinate or any other person or persons authorized by them or claiming through them from demolishing the compound wall and removing the iron gate fixed in front portion of the petitioners' property situate at No.22, Gangadeeswar Koil Avenue, Purasawalkam, Chennai 600 084, pursuant to the impugned notice dated 19.04.2004 except in accordance with law.

For Petitioners : Mr.R.Thiagarajan

For Respondents : Dr.C.Ravichandran (for R1&R2)
Mr.K.Govindan (for R3)

ORDER

Learned counsel for the petitioners seek permission to withdraw the writ petition, with liberty to approach the respondents for regularisation of the offending portions of the building. He has also made an endorsement to that effect on the petition. Accordingly, the writ petition is dismissed as withdrawn, with the said liberty. If the authority concerned finds any violation in the construction of the building in question, the same shall be demolished and electricity connection shall not be given if the construction is in violation of the plan. The electricity connection can be disconnected forthwith. The respondents and the EB officials shall inspect the premises, take photos & videograph the site building before disconnecting the electricity supply. It is made clear that if no action is taken by the second respondent, he shall be dismissed from service forthwith for not discharging his duty while in service. No Costs. Consequently, connected Miscellaneous Petition is closed.

mm

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To:

1. The Commissioner,
Corporation of Chennai
Ripon Building,
Park Town
Chennai-600 003.

2. Assistant Engineer,
Zone-V
Corporation of Chennai
Purasawalkam
Chennai-600 084

+1CC to Dr.C.RAVICHANDRAN Advocate SR.NO.69765

Order in

W.P.No.11739 of 2004

GJ[CO]

MK:27/10/2017