

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

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

W.P.No.41950 of 2016

Venson Park Flat Owners Association
rep. by its Secretary, S.Rajasekaran
New No.14, Old No.10
East Circular Road, Mandavelipakkam
Chennai - 600 028.

... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Rippon Buildings, E.V.R. Periyar Road
Chennai-600 003.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1 Gandhi Irwin Road
Chennai-600 008.
3. The Director of School Education
DPI Complex, College Road
Madras-600 008.
4. The Director
Fire and Rescue Services
No.17 Rukmani Lakshmipathy Road
Egmore, Madras-600 008.
5. The Assistant Engineer
Tamil Nadu Electricity Board
No.21, Santhome High Road
Santhome, Chennai-600 028.
6. The Correspondent
St. Antonys Girls Higher Secondary School
No.28 Madha Church Road
Mandavelipakkam
Chennai-600 028.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 1 and 2 to demolish the unauthorized/illegal construction made by the 6th respondent made at No.28, Madha Church Road, Mandavelipakkam, Chennai-600 028.

For Petitioner : Mr.V.Lakshminarayanan
for M/s.R.Jayaprakash

For Respondents : Mr.K.Venkataramani
Additional Advocate General
for Mr.R.Arunmozhi
for 1st respondent

Mr.N.Sampath
for 2nd respondent

Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents 3 and 4

Mr.P.R.Dhilip Kumar
for 5th respondent

Mr.S.Mahimairaj
for 6th respondent

ORDER

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

We perused the status report filed by the Chennai Corporation. The report shows that at present there is no unauthorized construction as alleged by the petitioner, but, on the other hand, the building has been de-sealed to remove the additional construction made and only rubble was being removed.

2. The learned counsel for the petitioner points out that there are certain blocks which have been built without any planning permission, an allegation which is not in question. In this behalf, it is stated that the application for planning permission submitted by the sixth respondent is pending before the Government authorities and on our query, the learned Additional Advocate General states that a decision will be taken on the same within a period of one month from today. As to what is to happen to the additional block construction without planning permission would thus, in turn, depend on the fate of that planning permission.

3. Be that as it may, the result of the decision on the planning permission may be informed to the petitioner, who has been agitating on the issue of the neighbour having unauthorized construction, soon after the decision is taken as aforesaid.

The petition is accordingly closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Commissioner
Corporation of Chennai
Rippon Buildings, E.V.R. Periyar Road
Chennai-600 003.
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No.21, Santhome High Road
Santhome, Chennai-600 028.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.187
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.54
+1cc to Mr.N.Sampath, Advocate, S.R.No.94
+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.168
+1cc to Mr.S.Mahimairaj, Advocate, S.R.No.71
+1cc to the Government Pleader, S.R.No.119

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GJ II(CO)
CA(10/01/2017)