

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.44636 of 2016
and
W.M.P.No.38428 of 2016

G.Rajeswari

... Petitioner

-Vs-

1. The Commissioner,
Corporation of Greater Chennai,
Ripon Buildings, Park Town, Chennai 600 003.
2. The Junior Engineer,
Office of the Corporation of
Greater Chennai, Zone 3,
Ward No.34, Division No.7,
Nattal Garden II Street, Perambur,
Chennai 600 011.
3. M.Balasubramaniam

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 and 2 to take legal action against the unauthorized construction put up by the third respondent in the preliminary stage under Sec. 56 and 57 of Tamilnadu Country and Planning Act, 1971 and 256 of Chennai City Municipal Corporation Act on the vacant site at Old Door No.1/1, New Deoor No.71/13, Palaniandavar Koil Street, Perambur, of an extent of 937 sq. ft. comprised in R.S.No.792/1 part and R.S.No.792/13, admeasuring East to West 31 feet on Northern side, 37 feet on Southern side, North to South 28 feet on Eastern side and 26 feet on the Western side situate in the western side of Palaniandavar Koil Street, Perambur, Chennai, bounded on the East by House site of Govindaraja Naicker, West by vendor's property, north by Muniappa Naicker Street, South by Palani Andavar Koil Street situate at Perambur Village put up by the third respondent without planning permit and approval of plan and under absolute title to the said property from competent authorities namely respondents 1 and 2 under Tamil Nadu Town and Country Planning Act, 1971 and Chennai City Municipal Corporation Act.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.R.Arunmozhi for RR 1 and 2

O R D E R

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

After some arguments, learned counsel for the petitioner seeks to withdraw the petition, in order to enable him to file interlocutory application for protection of the suit property which is subject matter of a partition suit. Endorsement is made.

2.Writ petition is dismissed as withdrawn. No costs. Consequently, W.M.P.No.38428 of 2016 is also dismissed.

3.We, however, make it clear that this does not preclude in any manner the respondents-Corporation from taking action in respect of any construction made without plan sanction.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Commissioner,
Corporation of Greater Chennai,
Ripon Buildings, Park Town,
Chennai 600 003.
2. The Junior Engineer,
Office of the Corporation of
Greater Chennai, Zone 3,
Ward No.34, Division No.7,
Nattal Garden II Street, Perambur,
Chennai 600 011.

+lcc to Mr.J.R.K.Bhavanantham, Advocate, S.R.No.329

+lcc to Mr.R.Arunmozhi, Advocate, S.R.No.387

W.P.No.44636 of 2016

RJ(CO)

CA(11/01/2017)