

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.10011/2018

Thunai Anandraj

.. Petitioner

Versus

1.The Commissioner
Corporation of Chennai
Chennai 600 003.

2.The Executive Engineer
Greater Chennai Corporation
Zone X, No.117, NSK Road
Kodambakkam, Chennai 600 024.

3.Manna Sweets rep.by its
Proprietor, No.6A, Station View Road
Kodambakkam, Chennai 600 024.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to consider the petitioner representation dated 17.03.2018 and consequently direct the respondents 1 and 2 to act upon the 1st respondent Lock and Seal Notice dated 24.03.2017 against the 3rd respondent as evidenced in the 2nd respondent RTI reply dated 04.04.2017 within the time frame to be fixed by this Court.

For Petitioner : Mr.K.Seetha Ram

For RR 1 & 2 : Mr.V.C.Selvasekaran

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.V.C.Selvasekaran, learned Standing Counsel accepts notice on behalf of the respondents 1 and 2.

2 The petitioner claims to be a resident of the premises bearing Door No.27, C/7, 6th Street, Boopathy Nagar, Kodambakkam, Chennai-24 and is eking out his livelihood as a free lance film technician. He came forward to file the present writ petition

styled as Public Interest Litigation, alleging that the premises bearing Door No.6A, Station View Road, Kodambakkam, Chennai - 24, is being used by the 3rd respondent for running a Sweet and Savoury Stall and as per the information furnished by the 2nd respondent, the said superstructure has been constructed about 20 years back and no Planning Permission is available in the office of Ward No.134 and the owner of the premises was also called upon, vide communication dated 07.03.2017, to furnish the Planning Permission and that the Corporation of Chennai has also not granted the Completion Certificate to that effect. It is the further submission of the learned counsel for the petitioner that as per the said information, the Lock and Seal Notice was also issued to the 3rd respondent on 24.03.2017 and despite that, no progress has been made for nearly one year and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The Court heard the submission of Mr.V.C.Selvasekaran, learned Standing counsel appearing for the respondents 1 and 2 and perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to put the petitioner as well as the 3rd respondent on notice and thereafter, cause inspection of the premises bearing Door No.6A, Station View Road, Kodambakkam, Chennai-24, and if it is found that the building has been constructed in violation of the sanctioned plan or without the sanctioned plan/approval, shall take appropriate action in accordance with law, subject to legal interdict, if any, at the instance of the 3rd respondent. The said exercise is to be completed within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken in that regard, to the petitioner as well as to the 3rd respondent herein.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

AP

To

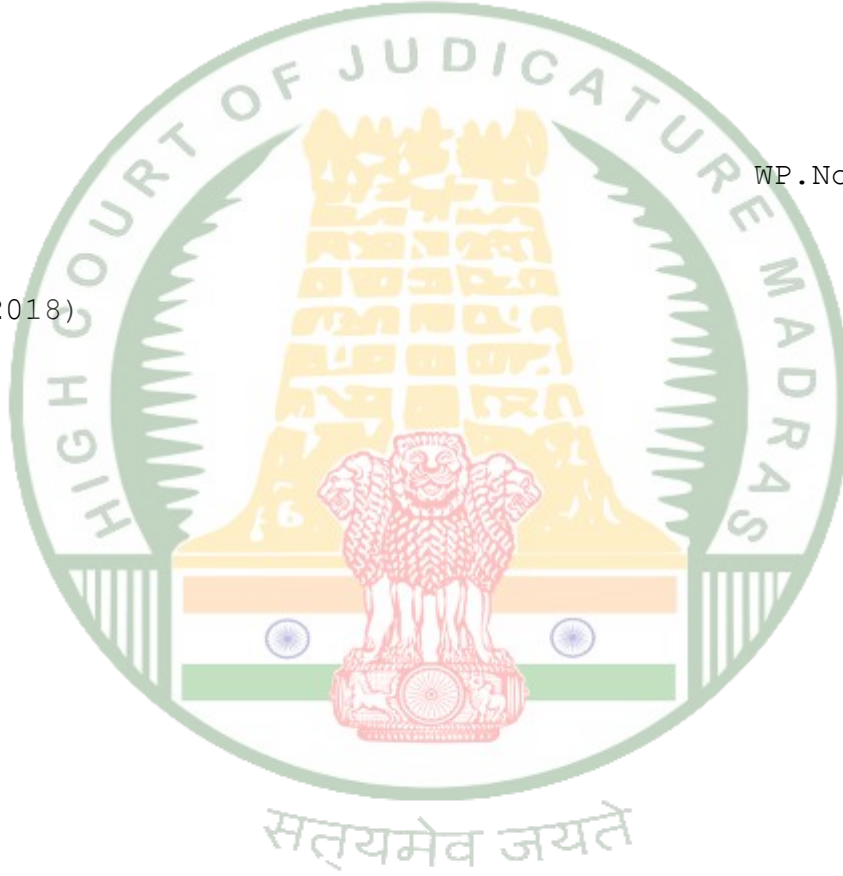
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+1 CC to Mr.K.Seethram, Advocate sr 30479.

WP.No.10011/2018

RK(CO)
SP(16/05/2018)



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