

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.10102/2018

Mrs.Sharala George
represented by her
Power of Attorney Agent
Mr.George Thomas

... Petitioner

Versus

1.The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003.

2.The Zonal Officer
Corporation of Chennai
Shenoy Nagar, Chennai 600 029.

3.The Executive Engineer
Corporation of Chennai
Shenoy Nagar, Chennai 600 029.

4.V.Kumar

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to dispose the representation including on 13.04.2018 and to proceed against the 4th respondent to rectify the deviations if any in accordance with law.

For Petitioner : Mr.J.Kamaraj

For RR 1 to 3 : Mr.K.Soundararajan

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.K.Soundararajan, learned Standing Counsel accepts notice on behalf of the respondents 1 to 3.

2 The Power of Attorney of the petitioner has sworn to the affidavit filed in support of this writ petition and would submit that his wife, viz., Mrs.Sharala George, is the owner of the property situate at Door No.140/142, Mettu Street, Ayanavaram, Chennai-23, and on the Southern side of the property, there is a premises bearing Door No.144, Mettu Street, Ayanavaram, Chennai-23, and there is a compound wall put up on the petitioner's property admeasuring to an extent of 70 feet in length. The grievance expressed by the petitioner is that the 4th respondent, has commenced the constructional activities in Plot No.144, Mettu Street, Ayanavaram, leaving no side setback and without obtaining any Planning Permission. The petitioner caused legal notice dated 03.04.2018 to the 4th respondent followed by representation dated 13.04.2018 to the respondents herein pointing out the said illegality and asked them to take immediate and appropriate action and despite receipt and acknowledgment, no action has been taken so far and the 4th respondent is hurriedly proceeding with the constructional activities and he is likely to complete the same and hence, prays for appropriate orders.

3 The Court heard the submission of the learned counsel for the petitioner and Mr.K.Soundararajan, learned Standing counsel appearing for the respondents 1 to 3 and perused the materials placed before it.

4 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 3rd respondent to put the petitioner as well as the 4th respondent on notice and thereafter, cause inspection of the site bearing Door No.144, Mettu Street, Ayanavaram, Chennai-23, where the constructional activities are said to be going on as well as the premises bearing Door No.140/142, owned by the petitioner, located in the very same street, and the said exercise is to be carried out within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action if any unauthorised / deviated constructions is noted and it shall be done within a further period of ten weeks from the date of inspection and communicate the decision taken, to the petitioner as well as to the 4th

respondent herein.

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

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003.

2.The Zonal Officer
Corporation of Chennai
Shenoy Nagar, Chennai 600 029.

3.The Executive Engineer
Corporation of Chennai
Shenoy Nagar, Chennai 600 029.

+1cc to Mr.K.SOUNDARARAJAN, Advocate, S.R.No.30139

+1cc to Mr.J.KAMARAJ, Advocate, S.R.No.30084

WP.No.10102/2018

PPA (CO)
TR (15/05/2018)

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