

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2018

CORAM

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

WP.No.9639/2018

Mr.T.N.Krishnan

.. Petitioner

Versus

- 1.The Regional Deputy Commissioner [Central]
Greater Chennai Corporation
36B, 2nd Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.
- 2.The Zonal Officer
Zone-X, Greater Chennai Corporation
No.117, NSK Salai, Kodambakkam
Chennai 600 024.
- 3.The Assistant Engineer
Greater Chennai Corporation
Division 132, 9th Avenue,
Ashok Nagar, Chennai 600 083.
- 4.The Member Secretary
Chennai Metropolitan Development
Authority, Gandhi Irwin Road,
Egmore, Chennai 600008.

5.Mr.V.Madhavan

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to demolish the unauthorised construction put up by the 5th respondent at Door No.5 [Old No.15], Sri Devi Colony, 7th Avenue, Ashok Nagar, Chennai-83.

For Petitioner :	Mr.K.Elango
For R1 to R3 :	Mr.K.Soundararajan
For R4 :	Mr.K.Raja Srinivas

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 and Mr.K.Raja Srinivas, learned Standing Counsel accepts notice on behalf of the 4th respondent.

2 The petitioner claims that he is the owner of the property situate at Door No.3 [Old Door No.16], Sridevi Colony, 7th Avenue, Ashok Nagar, Chennai-83 and he had put up a superstructure on the said land in the year 1974 after obtaining planning and building permission from the Corporation of Chennai and it is the submission of the learned counsel for the petitioner on instructions that the said superstructure has been put up strictly in accordance with the sanctioned plan. The grievance expressed by the petitioner is that on the Western side of his property, the 5th respondent and his brothers are owning a property bearing Door No.5 [Old Door No.15] and they had demolished the old superstructure and started constructing flats in the said place without leaving any side setbacks and thereby, obstructing free flow of light and air to the premises of the petitioner. The petitioner, in this regard, has submitted a representation dated 24.02.2018 to the respondents 1 to 3 and the 4th respondent, in Letter No.EC/C-II/3086/2018 dated 15.03.2018, addressed to the 1st respondent and the Zonal Executive Engineer, Zone-X, Chennai-24, had requested the said officials to examine the veracity of the complaint and take necessary enforcement action against the construction by exercising the power delegated by them and also under the provisions of the Madras City Municipal Corporation Act, 1919.

3 The learned counsel for the petitioner would submit that though the said communication was sent by the 4th respondent to the concerned officials as early as on 15.03.2018, no action has been taken and the 5th respondent is hurriedly proceeding with the construction and prays for appropriate orders.

4 The Court heard the submissions of Mr.K.Soundararajan, learned Standing counsel appearing for the respondents 1 to 3 and Mr.K.Raja Srinivas, learned Standing Counsel appearing for the 4th respondent and perused the materials placed before it.

5 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 the representation or in this writ petition, directs the 2nd respondent to put the

petitioner as well as the 5th respondent on notice and cause inspection of the alleged on-going construction in Old Door No.15, New No.5, Sridevi Colony, 7th Avenue, Ashok Nagar, Chennai-600 083, within a period of two weeks from the date of receipt of a copy of this order, after putting the petitioner and the 4th respondent on notice and depending upon the result of the inspection, shall take appropriate action, in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner and the 5th respondent herein.

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

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

AP

To

1.The Regional Deputy Commissioner [Central]
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Chennai Metropolitan Development
Authority, Gandhi Irwin Road,
Egmore, Chennai 600008.

+1 CC to Mr.K. Soundararajan, Advocate sr 29634.

+1 CC to Mr.K. Elango, Advocate sr 29444.

+1 CC to Mr.K. Raja Srinivas, Advocate sr 29248

WP.No.9639/2018

PVS (CO)

SP(10/05/2018)