

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.9707 of 2018

and

W.M.P.Nos.11624 to 11626 of 2018

Dr.G.Chandrakala

..Petitioner

Vs

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai.
- 3.Zonal Officer,
Zone IX (Teynampet),
Chennai Metropolitan Development Authority,
No.4, 4th Cross Street, Lakeview Road,
Chennai - 600 034.
- 4.The Director,
Tamil Nadu Fire & Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai -8.
- 5.Mr.Moses Rajadurai,
- 6.Mr.Joseph Philip
- 7.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation,
Chennai.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of Writ of Mandamus, directing the respondents 1, 2, 3,4 and 7 to consider the petitioner's representation dated 23.01.2018 submitted to the respondents and take appropriate enforcement actions to put an

end to the unauthorised occupation of Basement 2, Lakshmi, 179 Avvai Shanmugam Salai, Royapettah, Chennai - 600 014 by the 6th respondent and direct the 2nd respondent to furnish a certified copy of the approved plan in relation to the Basement, Lakshmi, 179, Avvai Shanmugam Salai, Royapettah, Chennai - 600 014 in furtherance of the representation dated 03.04.2018.

For Petitioner : Mr.Sathish Parasaran
Senior Counsel for
Mr.K.Gowthamkumar

For Respondents : Mr.T.C.Gopalakrishnan
Standing Counsel for R1 and R3
Mr.N.Sampath,
Standing counsel for R2
Mr.V.Shanmuga Sundar,
Special Government Pleader for R4
Mr.P.R.Dhilip Kumar for R7

O R D E R

The petitioner has come forward with the present writ petition seeking issuance of writ of mandamus, directing the respondents 1 to 4 and 7, to consider the representation of the petitioner dated 23.01.2018.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned counsels appearing for the respondents 1 to 4 and 7. Private notice sent to the respondents 5 and 6 have been returned as refused and door locked. Hence, the service on the private respondents 5 and 6 is dispensed with.

3. Mr.Sathish Parasaran, learned Senior Counsel appearing for the petitioner submitted that the petitioner is a senior citizen and she is the owner of the flat A2 of the Lakshmi Apartments, situated at 179, Avvai Shanmugam Salai, Royapettah. The Apartment was constructed in the year 1994-95 and about 1000 sq.ft., in the basement area is allotted for common usage. But, the fifth respondent has leased out the said area to the sixth respondent for commercial purpose. Hence, the petitioner gave a complaint dated 25.10.2017 to the fifth respondent and also issued a legal notice dated 29.11.2017. Since, no action was taken, the present writ petition.

4. The learned Senior counsel appearing for the petitioner further submitted that the second respondent has not issued the certified copy of the approved plan, despite her request, dated 03.04.2018. It is further submitted that it would

suffice, if a direction is issued to the respondents to take appropriate action on the representation of the petitioner.

5. The learned Standing Counsel appearing for the respondents submitted that the representation of the petitioner would be considered in accordance with law.

6. In the light of the submissions made by the learned counsels on either side, this Court, without going into the merits of the case, directs the respondents 1 and 2, to consider the representation of the petitioner dated 23.01.2018 and take appropriate action on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to all necessary parties.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are close.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
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Chennai - 600 003.
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Chennai Metropolitan Development Authority,
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- 3.Zonal Officer,
Zone IX (Teynampet),
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No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai -8.

5.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation,
Chennai.

+1cc to Mr.N.Sampath, Advocate SR.No.31105

+1cc to Mr.T.C.Gopalakrishnan, Advocate SR.No.31424

+1cc to Mr.K.Gowtham Kumar, Advocate SR.No.31362

+1cc to Government Pleader SR.No.31753

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TR(27/04/2018)



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