

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.No.891 of 2018 and
W.M.P.No.1075 of 2018

B.V.Uma ... Petitioner

Vs.

1.Chennai Metropolitan Development Authority,
rep. By its Member Secretary,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai - 600 008

2. The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai

3. The Assistant Engineer (Buildings)
Corporation of Chennai
Zone 8, Anna Nagar (W)
Chennai - 600 040

4. Leela Jane ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents 1 to 3 to cause inspection and demolish the unauthorised constructions made by the Respondent No.4 in the northern side setback area of the premises bearing Plot No.1860, 17th Street, I Block, Anna Nagar West, Chennai - 600 040 belonging to the Respondent No.4.

For Petitioner : Mr.Y.Prakash

For Respondents : Mr. S.Thiruvengadam for R1
Mr.K.Soundarrajan for R2 and R3
Mr.M.Govindaraju for R4

O R D E R
(Order of the Court was made by M.VENUGOPAL,J.)

The Petitioner has preferred the present Writ Petition praying for passing of an order by this Court in directing the Respondents 1 to 3 to cause inspection and demolish the unauthorised constructions put up by the 4th Respondent in the Northern Side Setback area of the premises bearing Plot No.1860, 17th Street, I Block, Anna Nagar West, Chennai - 600 040 belonging to the 4th Respondent.

2. Heard the Learned Counsel for the Petitioner and the Learned Standing Counsel for the 2nd Respondent / Commissioner, Corporation of Chennai.

3. At this stage, the Learned Standing Counsel for the 2nd Respondent / the Commissioner, Corporation of Chennai, Zone 8, Anna Nagar [W] Chennai-40 submits that the officials of the 2nd Respondent / Corporation got an Approved Plan, viz., PPA NO.D8/2381/2017 and BA No.D8/2667/2017 dated 09.05.2017 from the 4th Respondent and based on that, inspected the disputed place and found that the allegation made by the Petitioner that the 4th Respondent had unauthorisedly constructed in the northern side setback area of the premises bearing Plot No.1860, 17th Street, I-Block, Anna Nagar West, Chennai - 600 040, is false, since the said construction is as per the approved plan.

4. The Learned Counsel for the 2nd Respondent brings it to the notice of this Court that in the approved plan, the place in which the construction is in progress is shown as 'Lumber Room' and only Column Pillars were put up by the 4th Respondent. Soon after filing of the present Writ Petition, the 4th Respondent had stopped the construction work and as on today, there is no construction carried out by the 4th Respondent in the disputed area, i.e., northern side setback area of the premises.

5. Although the 4th Respondent has put up only the Column Pillars, this Court is of the considered view that if any construction is put up by the 4th Respondent, pursuant to the completion, the same shall not cause any hindrance or nuisance to the Petitioner or to the neighbours.

With the above said observations, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy
Sub-Assistant Registrar

ssd

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
rep. By its Member Secretary,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai - 600 008

2. The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai

3. The Assistant Engineer (Buildings)
Corporation of Chennai
Zone 8, Anna Nagar (W)
Chennai - 600 040

+1 CC to Mr.Y. Prakash, Advocate sr 55115.

+1 CC to Mr.K. Soundararajan, Advocate sr 55150

+1 CC to Mr.S. Thiruvengadam, Advocate sr 55164.

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SP(04/09/2018)

सत्यमेव जयते

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