

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM :

The Hon'ble Mr.JUSTICE M.SATHYANARAYANAN

AND

The Hon'ble Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.16068 of 2018
and W.M.P.No.19094 of 2018

S.Thanga Pushpam ... Petitioner

-vs-

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

2.M.Sathish Kumar ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to demolish the unauthorised construction put up by the 2nd respondent in the premises at Old No.213 A, New No.218 A, Paper Mills Road, Perambur, Chennai 600 011, based on the petitioner's representation dated 05.03.2018 as per the Tamilnadu Town and Country Planning Act.

For Petitioner : M/s.Subhalaxmi Samanta

For Respondents : Mr.K.Sountharajan
Stng. Counsel for R-1.

O R D E R

(Order of the Court was made by M.Sathyanarayanan, J.)

By consent, the writ petition is taken up for final disposal. Mr.K.Sountharajan, learned Standing Counsel, accepts notice on behalf of first respondent.

2.The petitioner claims that he purchased 306 sq.ft. of vacant house site bearing Door No.213/37, Block No.8, T.S.No.52 Part, S.Nos.10 part and 11 part, Maniyammai Nagar, Paper Mills Road, Pervalaur Village, through a registered sale deed bearing

Document No.555 of 2018 dated 08.02.2018. The grievance expressed by the petitioner is that the second respondent, who is the adjacent resident/ owner, has started putting up unauthorised construction and in this regard, has submitted a representation dated 05.03.2018 to the first respondent to take appropriate action and in spite of receipt of acknowledgement, no response is forthcoming and therefore, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner has invited the attention of this Court to the typed set of documents as well as the photographs and would submit that in spite of the said illegality about the second respondent being brought to the knowledge of the first respondent, nothing had happened so far and therefore, prays for appropriate orders.

4.The learned Standing Counsel appearing on behalf of the first respondent would submit that the Zonal officer, Zone-VI, Corporation of Chennai, Ayanavaram, would cause an inspection of the on-going construction said to have been put up by the second respondent as well as the premises of the petitioner as appears in the photographs at page no.27 and take appropriate action.

5.This Court has considered the rival submissions and also perused the materials place before it.

6.A perusal of the registered sale deed bearing Document No.555 of 2018 dated 08.02.2018, executed in favour of the petitioner by one K.T.J.Prakash, would prima facie disclose that the petitioner had purchased only a vacant site and not a superstructure. However, the photographs annexed to the typed set of documents at page no.27 would disclose that the petitioner has put up a superstructure. When this Court has put a specific question to the learned counsel appearing for the petitioner as to whether the superstructure is authorised/ unauthorised/deviated, the response is that the superstructure is already in existence. However, it is to be noted that in the description of property given in the sale deed, no superstructure has been noted and the learned counsel appearing for the petitioner is also unable to offer any plausible explanation as to the said query posed by this Court.

7.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 Zonal Officer, Zone-VI, Corporation of Chennai, Ayanavaram, to cause an inspection of the premises of the petitioner as well as the on-going construction said to have been put up by the second respondent, after putting them on notice, within a period of four (4) weeks from the date of receipt of a copy of this order and depending

upon the result of the inspection, shall take appropriate action in accordance with law within a further period of six weeks thereafter, as to the offending construction/ superstructure and communicate the decision taken to the petitioner as well as to the 2nd respondent.

The writ petition stands disposed of accordingly. No costs. Consequently, W.M.P.No.19094 of 2018 stands closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Commissioner,
Chennai Corporation,
Ripon Buildings, Chennai 600 003.
- 2.The Zonal Officer,
Zone VI,
Corporation of Chennai,
Ayyanavaram.

+lcc to Mr.K.Sountharajan, Advocate Sr.42857
lcc to M/S.Samanta & & Ston, Advocate Sr.41743

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W.P.No.16068 of 2018

GJ II[co]
srg 16/07/2018

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