

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.9920 of 2019

S.Dhanalakshmi @ Rosaline Mary
rep by her Power of Attorney
S.Israel Durai ... Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

3.The Joint Commissioner,
South Zone,
Corporation of Chennai,
118, Dr.Muthulakshmi Salai,
Adayar, Chennai - 600 020.

4.The Executive Engineer (Enforcement),
Zone No.XIII, Adayar,
Corporation of Chennai,
118, Dr.Muthulakshmi Salai,
Adayar, Chennai - 600 020.

5.The Executive Engineer,
Zone No.XII, Alandur,
Corporation of Chennai,
Division 162, Zone 12,
Chennai.

6.The Tahsildar,
Taluk Office, Alandur.

7.Uma

8.N.Maya

9.Francis Joseph

10.Tapan Kumar
11.S.Rajagopal
12.M.N.Ramamurthy
13.S.Jayaraman
14.S.Vaidyanathan
15.Anitha
16.K.N.Srinivasan
17.D.Moses Sampath Kumar
18.R.Sankaran
19.Daniel Devanesan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 6 to exercise powers and take necessary enforcement action in proceedings No.EC/CCW/S/8753/14 dated 05.09.2014 issued by the Chennai Metropolitan Development Authority in an illegal/unauthorized construction situated at Pymash No.637/1, New Survey No.77/1 (T.S.No.2) in New Door No.6 and Old Door No.21 and for Survey No.77/2 (T.S.No.3) in New Door No.8 situated at 2nd Main Road, Thillai Ganga Nagar, Adambakkam. (Prayer amended vide order dated 27.04.2019 made in W.M.P.No.13132 of 2019 in W.P.No.9920 of 2019)

For Petitioner : Ms.Usha Ramman

For Respondents: Mr.P.S.Ganesh, Standing Counsel (R1)

Mr.V.C.Selvasekaran,
Standing Counsel (R2 to R5)

Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R6)

Mr.A.Ilangovan (R7 & R8)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of mandamus directing the respondents 1 to 6 to exercise powers and take necessary enforcement action in proceedings dated 05.09.2014 issued by the Chennai Metropolitan Development Authority in an illegal/ unauthorized construction situated at Pymash No.637/1, New Survey No.77/1 (T.S.No.2) in New Door No.6 and Old Door No.21 and for Survey No.77/2 (T.S.No.3) in New Door No.8 situated at 2nd Main Road, Thillai Ganga Nagar, Adambakkam.

2.The petitioner has given a representation dated 14.06.2014 to the authorities to disconnect the EB connection and water connection and also to take necessary action against the encroachers in Survey Nos.77/1 and 77/2. According to the petitioner, the property in dispute comes within the

jurisdiction of the Greater Chennai Corporation. On receipt of the said representation, the 1st respondent, the Member Secretary, CMDA, requested the Corporation of Chennai to take necessary enforcement action against the construction under reference exercising the powers delegated by the CMDA and also as per the Chennai City Municipal Corporation Act, 1919.

3.Mr.V.C.Selvasekaran, learned standing counsel for the Corporation of Chennai submitted that in the representation, the petitioner has not mentioned the Door Number of the property and that he has only given the Survey Number and Pymash Number, therefore, the authorities of the Corporation of Chennai are not in a position to consider the petitioner's representation. Even in the Writ Petition, originally the petitioner has not mentioned the Door Number of the property in dispute. But, subsequently, the petitioner amended the payer in the Writ Petition by incorporating the Door Number of the property.

4.Without giving proper particulars with regard to the property, one cannot expect the authorities to act on the representation. Since the petitioner has not given the complete details of the property, we give liberty to the petitioner to submit a fresh representation to the authorities with complete particulars o the property for taking appropriate action in respect of the alleged unauthorized construction. If such a representation is made by the petitioner, the same shall be considered by the concerned authorities in accordance with law.

5.With these observations, the Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

va

To

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Chennai Metropolitan Development Authority,
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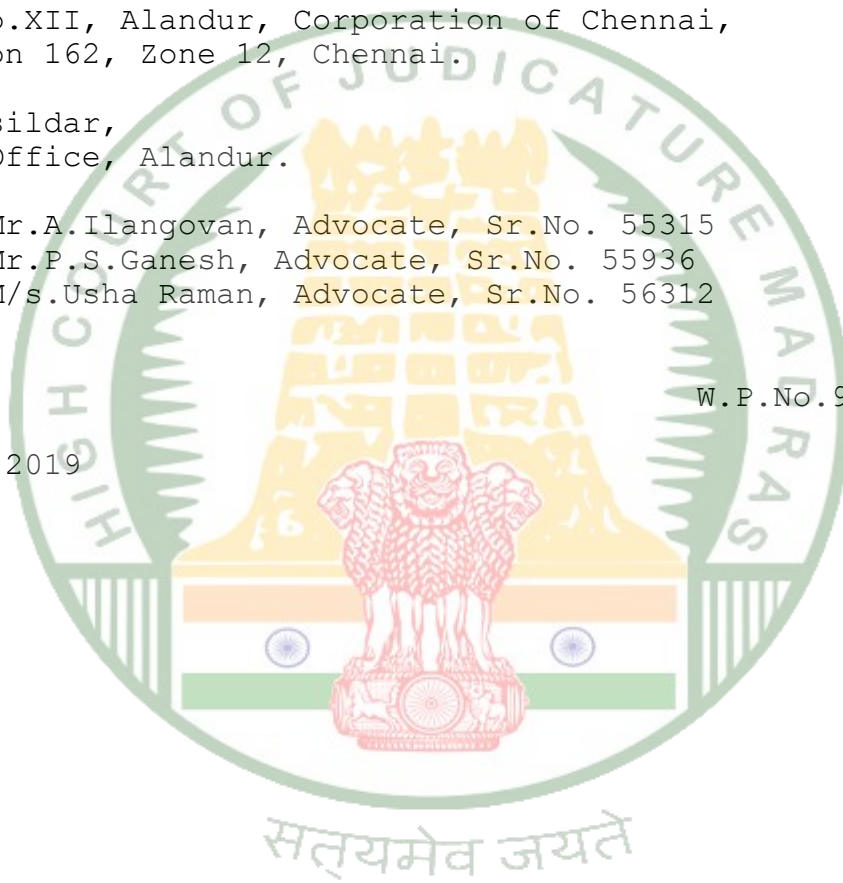
+1 cc to Mr.A.Ilangovan, Advocate, Sr.No. 55315

+1 cc to Mr.P.S.Ganesh, Advocate, Sr.No. 55936

+1 cc to M/s.Usha Raman, Advocate, Sr.No. 56312

W.P.No.9920 of 2019

BS (CO)
CSL/10.07.2019



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