

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 04.06.2019
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.22802 of 2006
and MP.No.1 of 2006

Tmt.Sakunthala S.D.Somasundaram

..Petitioner

Vs

1. Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 35.
2. Executive Engineer-cum-Administrative Officer,
Tamil Nadu Housing Board,
Chennai 35.
3. Junior Engineer,
Tamil Nadu Housing Board,
Chennai 35.
4. Mr.Nambirajan
5. The Commissioner,
Chennai Corporation,
Ribon Building,
Chennai 600 003.

..Respondents

[R5, impleaded as per the order of this Court,
dated 21.12.2011 in M.P.No.1 of 2011
in W.P.No.22802 of 2006]

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, forbearing the respondents from putting up any unauthorised construction or temple near the petitioner's flat in III street, Nandanam Colony, Nandanam, Chennai 35.

For Petitioner : Mr.Ashok Pathy
for M/s.Pass Associates

For Respondents : Mr.R.Bharathkumar, Standing Counsel
for RR1 to 3
R4 - dismissed, vide Court order
Mr.G.Anantharangan, for R5

ORDER

The petitioner has come forward with this Writ Petition seeking direction for issuance of a Writ of Mandamus, forbearing the respondents from putting up any unauthorised construction or temple near her house in III street, Nandanam Colony, Nandanam, Chennai 35.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. According to the petitioner, her husband was allotted a house bearing Door No.32 at III Street, Nandanam, Chennai 35. The petitioner is residing in the said place for the past 30 years. Though the streets are very narrow, the fourth respondent is attempting to put up unauthorised construction and if he is allowed to do so, the entire street will be closed.

4. The learned counsel for the 5th respondent, by referring the counter affidavit submitted that the fourth respondent had already put up a Temple.

5. On perusal of records, it is seen that though the petitioner has made allegations against the fourth respondent, and impleaded him in this Writ Petition, it was dismissed against him. Moreover, the fourth respondent had already constructed a Temple. Hence, in the considered opinion of this Court, the prayer sought for in the Writ Petition has become infructuous.

6. In view of the above facts, nothing survives for consideration in this Writ Petition. In that view, the present Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 35.

2.The Executive Engineer-cum-Administrative Officer,
Tamil Nadu Housing Board, Chennai 35.

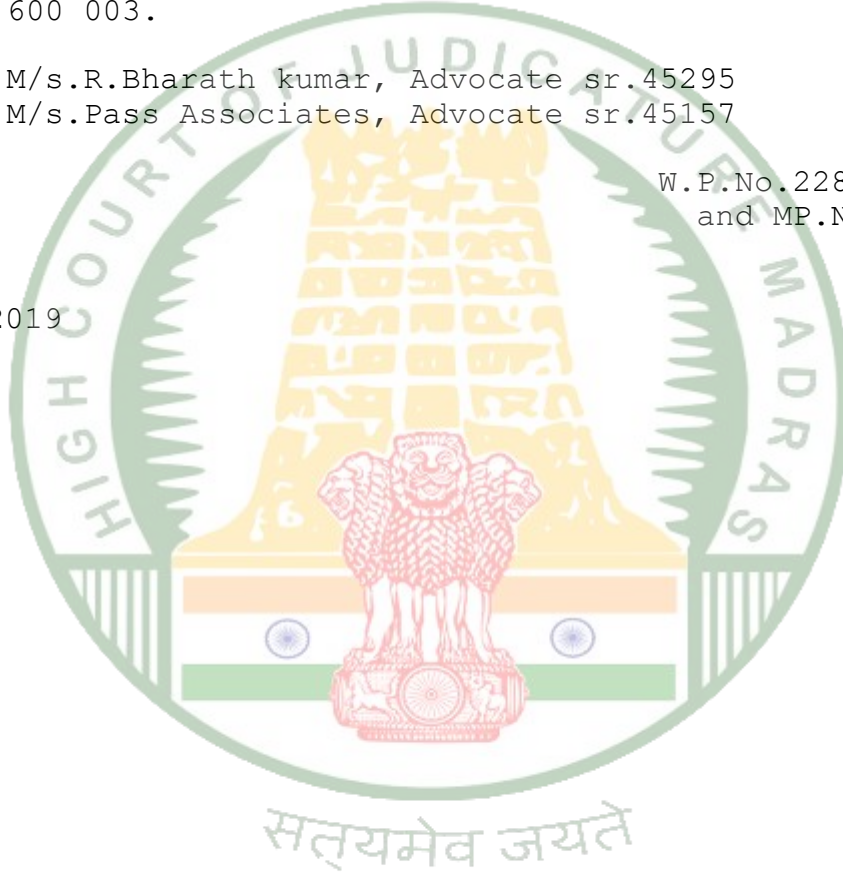
3.The Junior Engineer,
Tamil Nadu Housing Board,
Chennai 35.

4. The Commissioner,
Chennai Corporation,
Ribon Building,
Chennai 600 003.

+1cc to M/s.R.Bharath kumar, Advocate sr.45295
+1cc to M/s.Pass Associates, Advocate sr.45157

W.P.No.22802 of 2006
and MP.No.1 of 2006

rsi(co)
nr 18/07/2019



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