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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 41954 of 2006

P.Chandrasekaran

...Petitioner

Versus

1. M.K.Farooqui,  
B-16, 305, Mahadevan Apartments,  
TTK Road, Alwarpet,  
Chennai-600 018.

2. Corporation of Chennai,  
rep. by its Commissioner,  
Park Town,  
Chennai-600 003.

3. Chennai Metropolitan Development  
Authority,  
rep. by its Member Secretary,  
Talamuthu Natarajan Building,  
Gandhi Irvin Road, Egmore,  
Chennai-600 008.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents herein to visit early the residential complex at No.172/305, TTK Road, Alwarpet, Chennai-600 018 assess the hardship and suffering caused by all the garage owners including the 1<sup>st</sup> respondent herein in the said complex, direct the misusers/wrong doers, to restore their garages back as garage space within a reasonable time specified and in default of non-compliance employ necessary staff to clear the commercial use of the garages, wherever notices, at this costs.

For Petitioner : Mr.P.Guru Ramachandran

For Respondents : Mr.R.Arunmozhi,  
Standing Counsel for R2

Mr.Thiruvengadam for R3  
R1 Vacated



## O R D E R

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This Writ Petition has been filed seeking a direction to the respondents 2 and 3 to take action against the 1<sup>st</sup> respondent for deviation of the sanctioned plan by converting the garage area into commercial space near the residential area.

2. The grievance of the petitioner is that, a residential unit by name Mahadevan Apartments at TTK Road, Alwarpet, Chennai, consisting of four blocks. In 'B' block, there are eight garages allotted to the owner of the apartments. The 1<sup>st</sup> respondent has converted the garages into commercial space, thereby deviated the sanctioned plan. The petitioner, being a resident of the above residential complex made a complaint before the respondents 2 and 3. Based on that complaint, the 3<sup>rd</sup> respondent has also directed the 2<sup>nd</sup> respondent to take appropriate action, by letter dated 31.03.1986. Subsequently, the Executive Engineer, Corporation of Chennai by letter dated 11.04.1994, informed the petitioner that suitable action will be taken by the corporation to demolish the deviation. Thereafter, no action has been taken by the respondents. Hence, the present Writ Petition has been filed by the petitioner.

3. Even though notice ordered to the 1<sup>st</sup> respondent, notice could not be served on him.

4. I have heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 2 and 3 and perused the materials available on record.

5. Considering the fact that, when a complaint has been given on violation of sanctioned plan, the respondents 2 and 3 ought to have considered the same and passed orders on it. The Executive Engineer, Corporation of Chennai has only informed the petitioner that, appropriate action will be taken against the 1<sup>st</sup> respondent, but according to the petitioner, no action has been taken.

6. In the above circumstances, the petitioner is directed to file a fresh representation before the 2<sup>nd</sup> respondent within a period of two weeks from the date of receipt of the copy of this order. Thereafter, the 2<sup>nd</sup> respondent is directed to consider the petitioner's representation, and pass suitable orders on its own merit in accordance with law after issuing notice to the 1<sup>st</sup> respondent within a period of six weeks.



7. In the result, the Writ Petition is disposed of with the above direction. No costs.

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s/d-  
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

rpp

To

1. The Commissioner,  
Corporation of Chennai,  
Park Town, Chennai-600 003.
2. Member Secretary,  
Chennai Metropolitan Development  
Authority, Talamuthu Natarajan Building,  
Gandhi Irvin Road, Egmore,  
Chennai-600 008.

+1 CC to Mr.P.Mani, Advocate sr 93091.  
+1 CC to Mr.R.Arunmozhi, Advocate sr 92756.  
+1 CC to Mr.Thiruvengadam, Advocate sr 92962.

W.P. 41954 of 2006

RSK(CO)  
SP(21/01/2020)