

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

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

THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.27835 of 2008

A.FRANKLIN

REP. BY POWER OF ATTORNEY

J.R. DOSS @ J.R.D.ARULDOSS

S/O. JOHNSON

8/4, PROFESSORS' COLONY

1ST MAIN STREET, ANANDAPURAM

TAMBARAM EAST

CHENNAI - 600 059.

.. Petitioner

Vs

1 THE COMMISSIONER

TAMBARAM MUNICIPALITY

TAMBARAM WEST

CHENNAI - 600 045.

2 ABIMAAN BUILDERS AND PROMOTERS

NO.A/4, SWATI FLATS

10, PILLAIYAR KOIL STREET

RAJAJI NAGAR, CHENNAI - 600 041.

.. Respondents

(R2 - SUO MOTU IMPLEADED AS PER

ORDER DATED 29.3.2011 IN WP.27835/08)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent herein to take appropriate immediate action on the letter of the Member-Secretary, Chennai Metropolitan Development Authority (CMDA), Chennai in letter No.ES3/4695/2006, dated 18.05.2006 issued against the unauthorized construction of the building in the land of the petitioner herein measuring 599 sq.ft. situate in Survey No.84B/2B, Selaiyur Village, Tambaram East, Chennai - 600 073 (Kancheepuram District).

For Petitioner : Mr.S.Arunkumar

For Respondents : Mr.P.Srinivas
for 1st respondent
No appearance
for 2nd respondent

ORDER

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

The petitioner has filed the above writ petition to issue a writ of mandamus directing the first respondent to take appropriate action on the letter of the Member-Secretary, Chennai Metropolitan Development Authority (CMDA), Chennai, in letter No.ES3/4695/2006, dated 18.05.2006 issued against the unauthorized construction of the building in the land of the petitioner herein measuring 599 sq.ft. situate in Survey No.84B/2B, Selaiyur Village, Tambaram East, Chennai - 600 073.

2. It is the case of the petitioner that the second respondent has put up construction in the petitioner's land and, therefore, the same is unauthorized and the first respondent should take appropriate action for demolishing the same.

3. Mr.P.Srinivas, learned Standing Counsel appearing for the first respondent submitted that the construction was put up by the second respondent only after obtaining planning permission and there is no unauthorized construction put up by the second respondent. The submission made by the learned counsel for the first respondent is recorded.

4. In view of the above, we do not find any merits in the writ petition and, accordingly, the same is dismissed. If the second respondent has encroached upon the petitioner's land and put up construction, the remedy open to the petitioner is only before the competent Civil Court and not by way of writ petition under Article 226 of the Constitution of India. No costs.
sasi

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
THE COMMISSIONER
TAMBARAM MUNICIPALITY
TAMBARAM WEST CHENNAI - 600 045.

+1cc to Mr.P.Srinivas, Advocate, SR.No.65435

W.P.No.27835 of 2008

Kak(12/09/2019)