



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 21.06.2019
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.37241 of 2005
and

W.P.M.P.Nos.39872 of 2005 & 668 of 2011

D.Kasthuri

.. Petitioner

Vs

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai - 600 005.

2. The Executive Engineer,
Zone IV,
Tamil Nadu Slum Clearance Board,
T.P.Chathiram,
Chennai - 600 010.

3. Kesavan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents 1 and 2 to remove the illegal construction made by the third respondent in the Open Space in and around the tenements Nos.1429 and 1431 at T.P.Chathiram, Shenoy Nagar, Chennai - 600 030.

For Petitioner : M/s.S.A.Akbar

For Respondents : Mr.S.Prabhu
Standing Counsel for R1 & R2

: Dr.G.Krishnamoorthy for R3

O R D E R

The petitioner has come forward with this writ petition for issuance of Writ of Mandamus to direct the respondents 1 and 2 to remove the illegal construction made by the third respondent in the Open Space in and around the tenements Nos.1429 and 1431 at T.P.Chathiram, Shenoy Nagar, Chennai - 600 030.



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2. Heard Mr.S.A.Akbar, learned counsel appearing for the petitioner and Mr.S.Prabhu, learned Standing Counsel appearing for the respondents 1 & 2 and Dr.G.Krishnamoorthy, learned counsel for the third respondent.

3. According to the petitioner, the tenement No.1431 was originally allotted to one Mrs.Shanthi and Mr.Jayaraman and a sale deed was executed in their favour on 17.08.2004, who in turn sold the property to the petitioner by a registered sale deed dated 18.08.2004. The third respondent was allotted tenement No.1429, which is situated in the ground floor of the petitioner's house

4. The grievance of the petitioner is that the third respondent has put up additional construction in the open space, illegally. Though, the petitioner brought to the knowledge of the respondents 1 and 2 about the illegal construction made by the third respondent, but no action was taken.

5. It is the submission of the learned counsel for the petitioner that it would suffice, if a suitable direction is given to consider the representation of the petitioner.

6. The learned Standing Counsel appearing for the respondents 1 and 2 would submit that this Writ Petition has been filed based on the representation given in the year 2005. If the petitioner is still having any grievance, she may be directed to give a fresh representation and the same would be considered in accordance with law.

7. In the light of the above submissions made by the learned counsel on either side, this Court without going into the merits of the case, directs the petitioner to give a fresh representation to the second respondent within a period of two weeks. On such compliance, the second respondent shall consider the same and pass appropriate orders within a period of eight weeks, in accordance with law after affording ample opportunity to all the necessary parties.

8. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar



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To

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai - 600 005.

2. The Executive Engineer,
Zone IV,
Tamil Nadu Slum Clearance Board,
T.P.Chathiram,
Chennai - 600 010.

+1cc to Mr.S.A.Akbar , Advocate SR.No. 50935

+1cc to Mr.S.prabhu , Advocate SR.No. 51253

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and

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A.SK(14/08/2019)