

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.20949 of 2019

East Kamaraj Nagar (North)
Residents Welfare Association
Reg. No.186/2009
rep. by its Secretary/Authorised Signatory M.N.Mahendar,
No.14, First East Street,
Kamaraj Nagar,
Thiruvanmaiur,
Chennai-41. .. Petitioner

-vs-

- 1.The Enforcement Cell,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Commissioner of Police (Traffic),
Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
- 3.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
- 4.Cotton House,
Old No.68, L.B. Road,
Kamaraj Nagar,
Thiruvanmaiur,
Tamil Nadu, Chennai-600 041. .. Respondents

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Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to consider the representation dated 03.06.2019 made by the petitioner in an expedient manner.

For Petitioner : Mr.Kaushik N.Sharma
for M/s.KNS Law Chambers

For Respondents : Mr.Karthik Rajan
for respondent No.1

Mr.S.Kamalesh Kannan
Government Advocate
for respondent No.2

Mr.V.C.Selvasekaran
for respondent No.3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.Kaushik N.Sharma, learned counsel for the petitioner; Mr.Karthik Rajan, learned counsel for respondent No.1; Mr.S.Kamalesh Kannan, learned Government Advocate for respondent No.2 and Mr.V.C.Selvasekaran, learned counsel for respondent No.3.

2. The case of the petitioner is that there are violations of Development Control Rules (DCR) in Thiruvanmiyur, Chennai-600 041 by four persons as under:

- (i) By R.Venugopal at Cotton House, New No.9, Old No.2, Second East Street, Kamaraj Nagar, Thiruvanmiyur, Chennai-600 041 in relation to set back violation and illegal parking on the roads and foot path.
- (ii) By R.Santhanam at New No.12, Old No.43, Third East Street, Kamaraj Nagar, Tiruvanmiyur, Chennai-600 041 in relation to erection of pillar on the road and set back violation.
- (iii) By Manoharan and Prabhu Manoharan at New No.2/1, Old No.48, Third East Street, Kamaraj Nagar, Tiruvanmiyur, Chennai-600 041 in relation to set back violation.
- (iv) By Seasons 4 Service Apartments at New No.25, Old No.13, Third East Street, Kamaraj

Nagar, Tiruvanmiyur, Chennai-600 004 in relation to setting up of commercial establishment in a primary residential zone and also set back violation.

In addition, according to the petitioner, there is set back violation at No.3, Thiruvalluvar Salai, Tiruvanmiyur, Chennai-600 041.

3. In relation to the aforesaid violations, the petitioner has preferred a representation to the concerned authority i.e., Chennai Metropolitan Development Authority on 03.06.2019. The grievance of the petitioner is that the said representation has not yet been considered by the said authority. Hence, the petitioner has prayed that the concerned authority i.e., Chennai Metropolitan Development Authority be directed to dispose of the representation of the petitioner dated 03.06.2019 at the earliest.

4. The learned counsel for respondent No.1/Chennai Metropolitan Development Authority stated that the first respondent will consider representation of the petitioner dated 03.06.2019 within a period of eight weeks from the date of receipt of a copy of this order.

5. In view of the limited prayer made by the learned counsel for the petitioner, without going into the merits of matter, we direct respondent No.1 i.e., Chennai Metropolitan Development Authority to consider the representation of the petitioner dated 03.06.2019, within a period of eight weeks from the date of receipt of a copy of this order, after giving notice to all concerned.

6. The writ petition is disposed of with the above direction. No costs. Consequently, W.M.P.No.20135 of 2019 is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Enforcement Cell,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Commissioner of Police (Traffic),
Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.

3.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

+1cc to Mr.Karthik Rajan , Advocate SR.No. 63070
+1 cc to Government Pleader Sr.No. 63398

A.SK(20/08/2019) W.P.No.20949 of 2019



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