

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. No.18148 of 2018 and

W.M.P.No.21438 of 2018

Manohari

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

2.The Member Secretary,
CMDA, Chennai - 600 008.

3.The District Collector,
Kanchipuram District,
Collectorate of Kanchipuram,
Kanchipuram - 631 501.

4.Radha

5.Jagadeesh

6.The Executive Engineer,
Public Works Department,
WRD, Chennai - 600 005.

7.The Tahsildar,
Sholinganallur,
Kanchipuram District.

.. Respondents

(R6 suo motu impleaded vide order dated 03.09.2018 in W.P.No.18148 of 2018 and R7 impleaded vide order dated 14.11.2018 in WMP.No.28839 of 2018)

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 3 to take immediate action and remove the illegal/unauthorized construction being put up by the respondents 4 & 5 without necessary sanctions mandated under law at H.No.5/20, Dr.Ambedkar Street, Canal Puram, Kandan Chavadi, Chennai - 96 that adjoins this petitioner's property located at No.142, Palavakkam Village, Saidapet Taluk, Chengalpattu - MGR District comprised in 121/2A and 121/2B bearing Plot No.54-B and also forbearing the respondents 4 & 5 from digging and constructing building in canal in Survey No.120 at Palavakkam Village, Saidapet Taluk.

For Petitioner : Ms.A.Rajeswari Karthikeyan

For Respondents: Mr.V.C.Selvasekaran (R1)
Mr.Karthik Rajan (R2)
Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R3)
Mr.A.Thirumaran (R4 & R5)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been by the petitioner to issue a Writ of mandamus directing the respondents 1 to 3 to take immediate action and remove the illegal/unauthorized construction being put up by the respondents 4 & 5 without necessary sanctions mandated under law at H.No.5/20, Dr.Ambedkar Street, Canal Puram, Kandan Chavadi, Chennai that adjoins this petitioner's property located at No.142, Palavakkam Village, Saidapet Taluk, Chengalpattu - MGR District comprised in 121/2A and 121/2B bearing Plot No.54-B and also forbearing the respondents 4 & 5 from digging and constructing building in canal in Survey No.120 at Palavakkam Village, Saidapet Taluk.

2.The learned counsel appearing for the petitioner submitted that initially the 1st respondent locked and sealed the premises belonging to the respondents 4 & 5 and that subsequently, the private respondents had removed the lock and seal without the knowledge of the 1st respondent.

3.Mr.V.C.Selvasekaran, learned counsel appearing for the 1st respondent submitted that as soon as the 1st respondent got information that the respondents 4 & 5 had removed the lock and seal put up by the 1st respondent, they immediately again locked

and sealed the premises on 16.03.2019.

4.Since the 1st respondent had acted upon with regard to the unauthorized construction put up by the respondents 4 & 5 by locking and sealing the premises, we find no further direction need be given to the 1st respondent. Accordingly, the Writ Petition is closed. No costs. Consequently, the connected miscellaneous petition is also closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

va
To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
- 2.The Member Secretary,
CMDA, Chennai - 600 008.
- 3.The District Collector,
Kanchipuram District,
Collectorate of Kanchipuram,
Kanchipuram - 631 501.
- 4.The Executive Engineer,
Public Works Department,
WRD, Chennai - 600 005.
- 5.The Tahsildar,
Sholinganallur,
Kanchipuram District.

+1 CC to Mr.Karthik Rajan, Advocate sr 26635

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RJI (CO)
SP(05/04/2019)