

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29286/2019

&

WMP.No.29085/2019

B.Sukumar

..Petitioner

Versus

- 1.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008.
- 2.The Commissioner
Greater Chennai Corporation
Rippon Buildings, EVR Road
Chennai 600 003.
- 3.The Executive Engineer
Zone VI, Ward No.78, Corporation of Chennai
No.5, Anderson Road, Aynavaram
Chennai 600 023.
- 4.The Chairman
TANGEDCO, NPKRA Maligai
No.144, Anna Salai, Chennai 600 002.
- 5.The Chairman
Chennai Metro Water Supply and Sewerage
Board, No.1, Pumping Station Road
Chintadripet, Chennai 600 002.

6.V.Nithyanandham ..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to demolish the illegal and unauthorised construction put up by the 6th respondent in the premises situated at No.19/2, New No.9, Subba Street, Choolai, Chennai 600 007.

For Petitioner : Mr.S.Danush
For R1 : Mr.P.S.Ganesh
For R2 & R3 : Mr.K.Soundararajan
For R4 : Mr.S.K.Rameshuwar
For R5 : Mr.G.Janakiraman

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition is taken up for final disposal. Mr.P.S.Ganesh, learned counsel accepts notice on behalf of the 1st respondent ; Mr.K.Soundararajan, learned Standing counsel accepts notice on behalf of the respondents 2 and 3 ; Mr.S.K.Rameshuwar, learned Standing counsel accepts notice on behalf of the 4th respondent and Mr.G.Janakiraman, learned counsel accepts notice on behalf of the 5th respondent.
- (2) The petitioner is a resident of Door No.28/106, Asthapujam Road, Choolai, Chennai-112, and according to him, the 6th respondent is the owner of the premises bearing Old Door No.19/2, New No.9, Subbha Street, Choolai, Chennai-7 and it consists of three floors. The petitioner got an information under the Right to Information Act, 2005, that the Public Information Officer, vide Communication dated 18.07.2019 in Letter No.G/PIO/9807/2019 stated that no Planning Permission has been accorded by the said authority to the said construction. The petitioner, alleging unauthorised construction on the part of the 6th respondent, has also submitted an on-line complaint dated 19.03.2019 followed by Lawyer's Notice dated 06.08.2019 to all the respondents and despite the receipt and acknowledgement, the official respondents did not take any action and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.
- (3) Heard the submissions of the learned counsel for the petitioner ; Mr.P.S.Ganesh, learned counsel appearing for the 1st respondent ; Mr.K.Soundararajan, learned Standing counsel appearing for the respondents 2 and 3 ; Mr.S.K.Rameshuwar, learned Standing counsel appearing for the 4th respondent and Mr.G.Janakiraman, learned counsel appearing for the 5th respondent and also perused the materials placed before it.
- (4) This Court has put a specific query to the learned counsel for the petitioner as to the premises in occupation of the petitioner is authorised / unauthorised / deviated and the learned counsel for the petitioner is unable to provide any answer.

(5) This Court, in the light of the above facts and circumstances and taking into consideration the submission made by the learned counsel for the petitioner and without going into the merits of the claim projected by him either in his on-line complaint or in the legal notice as well as in this writ petition, directs the 3rd respondent, put the petitioner as well as the 6th respondent on notice and thereafter, cause inspection of their respective premises and if any deviation or violation is noted, shall take appropriate action in accordance with law and the said exercise shall be completed within a period of ten weeks from the date of receipt of a copy of this order and the decision taken in that regard, shall be communicated to the petitioner as well as to the 6th respondent.

(6) The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Member Secretary
Chennai Metropolitan Development Authority
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TANGEDCO, NPKRA Maligai
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5.The Chairman

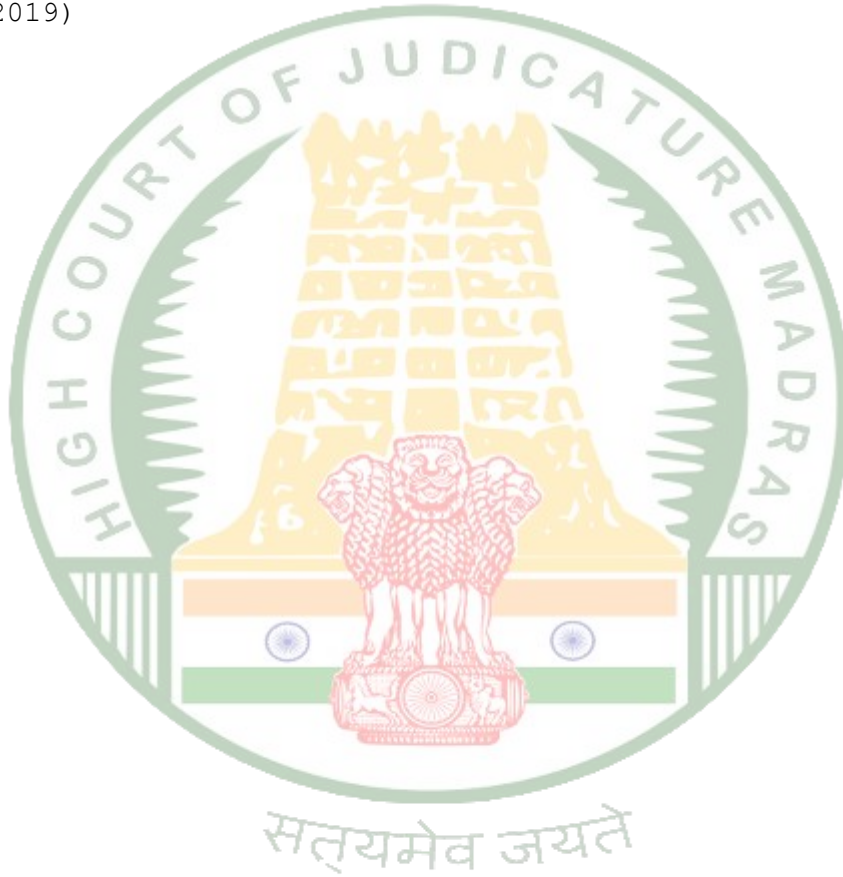
Chennai Metro Water Supply and Sewerage
Board, No.1, Pumping Station Road
Chintadripet, Chennai 600 002.

+1cc to Mr.K.Soundarajan, Advocate, SR.No.86995

+1cc to Mr.P.S.Ganesh, Advocate, SR.No.86391

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Kak (20/11/2019)



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