

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30801/2019

M.Shanthakumari

Petitioner

Versus

- 1.The Commissioner
Greater Chennai Corporation
Chennai 600 003.
- 2.The Zonal Officer
Zone VI, Greater Chennai Corporation
No.5, Anderson Road, Ayanavaram
Chennai 600 003.
- 3.Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

4.Smt.M.Saroja

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent herein to consider and dispose of the petitioner's representation dated 19.08.2019 on merits within the time frame to be fixed by this Court.

For Petitioner : Mr.B.K.Singh
For R1 & R2 : Dr.C.Ravichandran
For R3 : Mr.P.S.Ganesh

ORDER

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

(1)By consent, the writ petition is taken up for final disposal. Dr.C.Ravichandran, learned Standing counsel accepts notice on behalf of the respondents 1 and 2 and Mr.P.S.Ganesh, learned Standing counsel accepts notice on behalf of the 3rd respondent.

- (2) According to the petitioner, the husband of the 4th respondent had unauthorisedly put up a superstructure adjacent to her residence, thereby causing inconvenience and hardship. The petitioner, in this regard, has also submitted a representation dated 19.08.2019 to the 1st respondent and despite receipt and acknowledgment, no action has been taken. Therefore, the petitioner is constrained to approach this Court by filing the present writ petition.
- (3) The learned counsel for the petitioner has invited the attention of this Court to the communication of the 3rd respondent dated 17.07.2019 in Letter No.G/PIO/9223/2019 and would submit that as per the information furnished by the 3rd respondent, the husband of the 4th respondent did not obtain any permission to put up the superstructure and therefore, the superstructure which is wholly unauthorised, is liable to be demolished.
- (4) Mr.P.S.Ganesh, learned Standing counsel appearing for the 3rd respondent, on instructions, would submit that the 3rd respondent has sent a communication bearing Letter No.B3/429/2017 dated 21.07.2019 returning the application submitted by the husband of the 4th respondent seeking approval of the existing Stilt [Part] / Ground Floor [Part] / 2 Floors / 3rd Floor [Part] - residential building with three dwelling units at Old No.38, New No.42, Subramani Street, Perambur, Chennai-11 in RS.No.469/25 and 470/26, Block No.24, of Perambur Village and as regards further development, seeks time to get instructions.
- (5) This Court has considered the rival submissions and also perused the materials placed before it.
- (6) This Court, taking into consideration, the above facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondents 2 and 3 to put the petitioner as well as the 4th respondent on notice and cause inspection of the above said premises and depending upon the result of the inspection, shall take appropriate action in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent herein.
- (7) The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

AP

To

1.The Commissioner
Greater Chennai Corporation
Chennai 600 003.

2.The Zonal Officer
Zone VI, Greater Chennai Corporation
No.5, Anderson Road, Ayanavaram
Chennai 600 003.

3.The Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

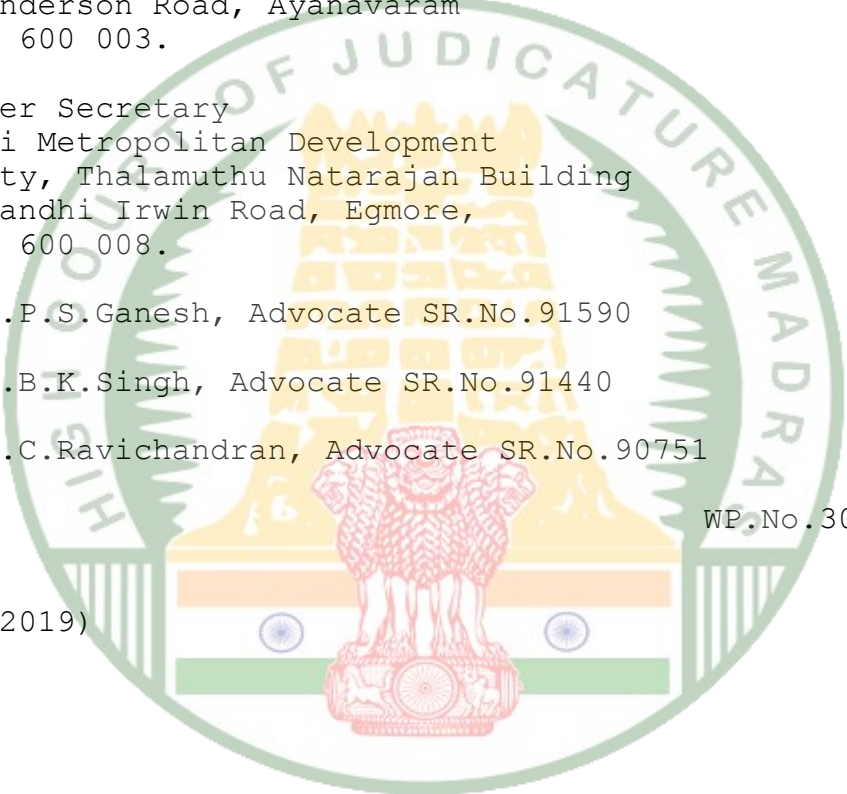
+1cc to Mr.P.S.Ganesh, Advocate SR.No.91590

+1cc to Mr.B.K.Singh, Advocate SR.No.91440

+1cc to Mr.C.Ravichandran, Advocate SR.No.90751

WP.No.30801/2019

MG (CO)
GMY (04/12/2019)



सत्यमेव जयते

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