

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.10202 & 8586 of 2020
and
WMP.No.12398 & 10378 of 2020

WP.No.10202 of 2020

G.Vivekanandan

.. Petitioner

Vs

1. Greater Chennai Corporation,
Represented by its Commissioner,
Rippon Buildings,
No.1131, EVR Periyar Salai,
Park Town,
Chennai - 600 003.
2. The Zonal Officer (Zone -8),
Corporation of Chennai,
No.368, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.
3. The Assistant Engineer - Division 100,
Greater Chennai Corporation,
No.368, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

4. S.Saravan Kumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus thereby directing the respondents 1 to 3 herein to take necessary steps on the basis of the representation dated 28.05.2020 sent by the petitioner and thereby to demolish the illegal and unlawful constructions put up by the 4th respondent in the front side set-back as well as on the rear side set-back and in the common area of the premises at AG, New No.19, Old No.8 (10), Shanthi Colony, 4th

Avenue, Anna Nagar, Chennai - 40, within a specific period of time and to file a status report to that effect.

For Petitioner .. Mr.R.Krishnaswamy

For Respondents .. Mr.K.Raja Shrinivas,
Standing Counsel for RR1 to R3

Mr.Dhalapathy Vignesh for R4

WP.No.8586 of 2020

S.Saravan Kumar

.. Petitioner

Vs

1. The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Corporation of Chennai,
Represented by its Commissioner,
Rippon Buildings, No.1131, EVR Periyar Salai,
Park Town, Chennai - 600 003.
3. The Zonal Officer (Zone -8),
Corporation of Chennai,
No.368, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.
4. The Assistant Engineer - Division 100,
Greater Chennai Corporation,
No.368, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

5. G.Vivekanandan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 3 and 4 to take action as per their notice No.Zone VIII/TPENF/7032/2019 dated 17.12.2019 within a specific period of time and file a status report to that effect.

For Petitioner .. Mr.Ashwin Premsundar

For Respondents.. Mr.Karthik Rajan for R1
Mr.K.Raja Shrinivas for R2 to R4
Mr.R.Krishnaswamy for R5

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

These two writ petitions have been filed by the neighbours against each other alleging unauthorised constructions and thus, seeking removal of the same.

2.We will take up W.P.No.8586 of 2020 filed by one Saravankumar. This writ petitioner himself has put up constructions unauthorisedly.

3.It is submitted by the learned Standing Counsel appearing for the Corporation of Chennai that the substantial portion of the building is unauthorised.

4.By way of reply, the learned counsel for the petitioner in W.P.No.8586 of 2020 submitted that in view of the affidavit filed in W.P.No.10202 of 2020 by the petitioner in W.P.No.8586 of 2020 being fourth respondent, all such unauthorised constructions as pointed out by the Corporation of Chennai would be removed and reported.

5.Insofar as W.P.No.10202 of 2020 is concerned, the petitioner herein has also made constructions unauthorisedly.

6.The learned Standing Counsel appearing for the Corporation of Chennai submitted that a lock and seal notice has already been issued, followed by de-occupation notice. Therefore, consequential action will have to be completed by the Corporation of Chennai, even for the unauthorised constructions made by the petitioner in W.P.No.10202 of 2020 viz., G.Vivekanandan is concerned.

7.Thus, both these writ petitions stand disposed of on the above said terms. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
No.1131, EVR Periyar Salai,
Park Town,
Chennai - 600 003.

2.The Zonal Officer (Zone -8),
Corporation of Chennai,
No.368, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
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3.The Assistant Engineer - Division 100,
Greater Chennai Corporation,
No.368, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

4.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+2cc to Mr.V.Ajay Khose, Advocate in SR.27915

+2cc to Mr.V.Ajay Khose, Advocate in SR.27916

W.P.Nos.10202 & 8586 of 2020

PA(CO)
RV(15/9/2020)

सत्यमेव जयते

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