

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.15628/2020

Murugesan

.. Petitioner

Versus

1. The Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Vellalar
Building, Gandhi Irwin Road
Egmore, Chennai.
2. The Commissioner
Greater Chennai Corporation
Ripon Buildings, Park Town
Chennai 600 003.
3. The Assistant Executive Engineer
Greater Chennai Corporation
Zonal Office XIII
Adyar, Chennai 600 020.
4. The Assistant Engineer
Greater Chennai Corporation
Division No.172, Kottur
Chennai 600 085.

5. Mrs.Kokila

6. K.Anandan

7. K.Murugan

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to consider petitioner's representation dated 12.08.2020 to take immediate action in accordance with law for the unlawful construction being made by the respondents 5 to 7 in the property situated at New No.15, Old No.141 A, West Canal Road, Kottur, Chennai-85.

For Petitioner : Mr.M.L.Ramesh
For R1 : Mr.S.Thiruvengadam
Standing counsel
For RR 2 to 4 : Mr.M.Ganesan
Standing Counsel

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by the following order.
- (2) Mr.S.Thiruvengadam, learned Standing counsel accepts notice on behalf of the 1st respondent and Mr.M.Ganesan, learned Standing counsel accepts notice on behalf of respondents 2 to 4.
- (3) The petitioner is a permanent resident of the premises bearing Old Door No.142, New No.19, West Canal Bank Road, Kottur, Chennai-85 and according to him, the private respondents, who are the adjacent land owners, have started putting up superstructures without obtaining any Planning Permission and in this regard, a detailed representation dated 12.08.2020 had been submitted to the respondents 2 to 4 and despite receipt and acknowledgment, no action is being taken and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.
- (4) The learned counsel for the petitioner would submit that the petitioner was the allottee of the land by the Tamil Nadu Slum Clearance Board and after obtaining necessary Planning Permission, he has put up the superstructure and right adjacent to his plot and superstructure, the private respondents are putting up wholly an unauthorised construction, without any Planning Permission and though it has been brought to the knowledge of the concerned official respondents, so far they have not responded to the same and hence prays for appropriate orders.
- (5) The Court heard the submissions of Mr.S.Thiruvengadam, learned Standing counsel appearing for the 1st respondent and Mr.M.Ganesan, learned Standing counsel appearing for respondents 2 to 4 and also perused the materials placed before it.
- (6) Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 3rd respondent to cause inspection of the alleged on-going construction being put up by the respondents 5 to 7 in the property bearing Old Door No.141A, New No.15, West Canal Road, Kottur, Chennai-85 as well as the premises of the petitioner and if any infraction / deviation / violation is noted, the

said official shall take immediate, necessary and appropriate action in accordance with law by also adhering to the principles of natural justice and complete the said exercise 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 respondents 5 to 7.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Member Secretary
Chennai Metropolitan Development
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Egmore, Chennai.

2. The Commissioner
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4. The Assistant Engineer
Greater Chennai Corporation
Division No.172, Kottur
Chennai 600 085.

+1 cc to M/s.M.L.Ramesh, Advocate Sr.No. 35977
+1 cc to M/s.M.Ganesan, Advocate Sr.No. 35845

WP.No.15628/2020

SSV(CO)
RMP(09/12/2020)