

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.15816 of 2020

R.Elango

... Petitioner

Versus

1.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Chennai 600 003.

3.The Municipal Commissioner,
Pallavaram Municipality,

Pallavaram,
Chengalpattu District.

4.Mr.Vijayakumar

.. Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 20.10.2020 to the 1st respondent herein to take action against Mr.Vijayakumar i.e 4th respondent, who is carrying out unlawful construction without following the due process over the common land in No.2A, Padmanaban Street, New Kurinchi Nagar, Chrompet, Chennai 600 044, encroaching the petitioner's property without following the rules of the respondents 1 to 3 and hindered the free flow of amenity such as sun light, air to petitioner's house, stop carrying out construction work.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.Gopinath
Standing Counsel for R1

Mr.S.Thiruvankadam
Standing Counsel for R2

Mr.P.Srinivas for R3

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ORDER

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

Though the petitioner alleges unauthorized construction on the part of the 4th respondent by affecting his easementary right of light and air etc., he has failed to state in the affidavit filed in support of the Writ Petition as to whether the construction put up by him in the premises bearing Door No.2A, Padmanaban Street, New Kurinchi Nagar, Chrompet, Chennai 600044, is authorised or not. The only material relied on by the petitioner is the photographs available at Page Nos.13 and 14 of the typed set of papers and that apart, the representation dated 20.10.2020, submitted in this regard is also of recent origin.

2. Mr.P.Srinivas, learned Standing Counsel accepts notice on behalf of the 3rd respondent and on instructions would submit that the 4th respondent has obtained planning permission and he would further add that the premises of the petitioner as well as the 4th respondent can be inspected after putting them on notice and depending upon the result of the same,

necessary appropriate action would have taken in accordance with law within a stipulated time.

3. This Court has considered the rival submissions and also perused the materials placed before it.

4. This Court taking into consideration 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 or the delegated subordinate officials to put the petitioner as well as the 4th respondent on notice and thereafter cause inspection of the respective premises, as to whether construction put up is authorised or unauthorised or in a deviated manner and depending upon the result of the same, shall take immediate, necessary and appropriate action in accordance with law by 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 the 4th respondent.

5. The Writ Petition is disposed of accordingly. No costs.

[M.S.N.,J] [R.H., J]
03.11.2020

sk

Internet : Yes/No

Index : Yes/No

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M.SATHYANARAYANAN, J.,
AND
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