

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2020

CORAM

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

WP.No.17040/2020 & WMP.No.21118/2020

Vimala

..Petitioner

Versus

1. The Chairman/Secretary
CMDA, Thalamuthu Natarajan Building
Egmore, Chennai.
2. The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai.
3. The Zonal Officer
Zone-8, Corporation of Chennai
No.36B, 2nd Cross Street,
Bulla Avenue, Shenoy Nagar
Chennai 600 030.
4. Kanniyappan

..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 3 to consider the petitioner representation dated 30.09.2020 and to take action against the 4th respondent illegal and irregular construction constructing in Door No.119, MNK Street, TS.No.42, Block No.22, Ayanavaram, Chennai-23.

For Petitioner : Mr.T.Arul
For R1 : Mr.S.Tiruvengadam
Standing counsel
For RR2&3 : Mr.M.Ganesan
Standing counsel

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.S.Tiruvengadam, 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 and 3.
- (3) The petitioner is a resident of Door No.120, NMK Street, Ayanavaram, Chennai-23 and according to her, vide registered Partition Deed bearing Doc.No.734/1998 dated 30.03.1998 registered on the file of the office of the Sub Registrar, Anna Nagar, between her and six others, she was allotted 'F' Schedule of the Partition Deed in respect of the land and building admeasuring to an extent of 863 sq.m., along with a superstructure bearing Door No.120 [part] admeasuring east-west on the North side 37.3 ft., on the South 26.7 ft., North-South on the Eastern side 23.9 ft., and on the Western side 23.3 ft, marked as P1 admeasuring 4 ½ ft., North-South on the Eastern side and 4 ¾ ft; North-South on the Western side and 28 ½ ft., East-West on both sides. According to the petitioner, one Kanniyappan [4th respondent herein], who was the owner of the 'F' Schedule property, had sold 2/3rd of the property held in TS.No.42, Block No.22, to different persons and he retained the Eastern extremity in TS.No.22, Block No.22, NMK Street, Ayanavaram. It is the specific case of the petitioner that the 4th respondent started putting up construction in the extreme extremity of the said land which he retained in TS.No.42, Block No.22 on 17.09.2020 without leaving any set back on the Northern side and also on the Southern side as per rules and there is no frontage on the Western side as his construction is facing West and he has also not left any backyard on the Eastern side as per the rules. The petitioner, in this regard, has submitted a representation dated 13.09.2020 to the 1st respondent with copies marked to respondents 2 and 3 and despite receipt and acknowledgment, no response is forth coming and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (4) Mr.M.Ganesan, learned standing counsel appearing for the respondents 2 and 3 would submit that inspection of the premises of the petitioner and the alleged on - going construction being undertaken by the 4th respondent in

TS.No.42, Block No.22, NMK Street, Ayanavaram, would be caused and depending upon the inspection, appropriate action would be taken in accordance with law.

(5) This Court heard the submissions of the learned counsel for the petitioner and also perused the materials placed before it.

(6) This Court, in the light of the above facts and circumstances and the submissions made by the learned standing counsel for respondents 2 and 3 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 premises of the petitioner as well as the on-going construction put up by the 4th respondent at Doro No.119, TS.No.42, Block No.22, NMK Street, Ayanavaram, Chennai-23, after putting on notice, the petitioner as well as the 4th respondent and depending upon the result of the inspection, shall take appropriate action in the event of any infraction / offending / deviation in construction is noted and the said exercise is to be completed within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner as well as to the 4th respondent.

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

Sd/-
Assistant Registrar(CJ CONF)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

AP

To

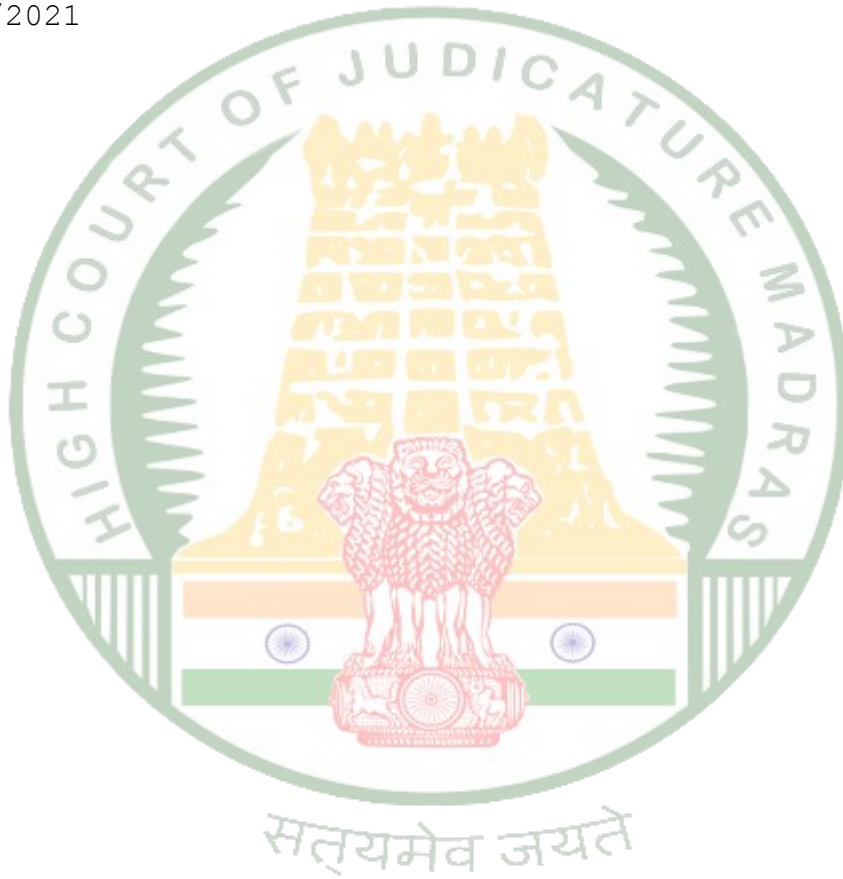
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+1CC To Mr.M.Ganesan, Advocate, SR40154

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CO (SSI)
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