

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 21.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.NO.33814 OF 2019
AND
W.M.P.NO.34326 OF 2019

A.P.Ashok Kumar

... Petitioner

versus

1. The Chief Executive Officer,
CMDA, Egmore, Chennai.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
3. The Director,
Education Department,
DPI Complex,
Nungambakkam, Chennai.
4. The Assistant Engineer
(Chennai Corporation),
Ward - 58, Zone V,
Basin Bridge, Chennai - 600 001.
5. The Executive Engineer,
Zone - V, Basin Bridge,
Chennai - 600 001.
6. Shri Muthu Kumarasamy Devastanam,
P.Venugopal Chetty Nursery School,
Rotler Street, Choolai,
Chennai - 600 012.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action against the 6th respondent and also directing the 2nd respondent to take appropriate action

against 4th and 5th respondents in respect of permitting the illegal construction took place at the 6th respondent school in violation of the CMDA development regulations.

For Petitioner :Dr.G.Krishnamoorthy
for Mr.A.K.M.Samsunihar

For Respondent No.1 :Mr.S.Thiruvengadam

For Respondent Nos.2,4&5 :Mr.A.Nagarajan
Standing Counsel for Corporation

For Respondent No.3 :Mr.A.Rajaperumal
Additional Government Pleader

For Respondent No.6 :No Appearance

O R D E R

[Order of this Court was made by R.SUBBIAH,J.]

The petitioner has come up with the present Writ Petition for a Mandamus, directing the first respondent to take appropriate action against the sixth respondent and also directing the second respondent to take appropriate action against the respondents 4 and 5 about the illegal construction took place at the sixth respondent school in violation of CMDA Regulations.

2. The case of the petitioner is that the sixth respondent has obtained permission for constructing ground floor, 1st floor and 2nd floor at Shri Muthu Kumarasamy Devasthanam, P.Venugopal Chetty Nursery School, Rotler Street, Choolai, Chennai. It is the further contention of the petitioner that the sixth respondent is also constructing third floor, despite petitioner's objection. In this regard, the petitioner has lodged a complaint dated 31.05.2019 to the third respondent about the illegal construction made by the sixth respondent. Since no action was initiated, the petitioner has lodged another complaint before the respondents 1 and 2. Though the petitioner has made several representations to the respondents, but till date no action was taken by them and hence, the petitioner has come forward to file this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the third respondent as well as the learned Standing Counsels appearing for the respondents 1, 2, 4 & 5 and perused the materials available on record.

4. Today, when the matter is taken up for consideration, the learned Standing Counsel appearing for the respondents 2, 4 and 5/Corporation has filed a counter affidavit stating that already they have issued de-occupation notice stating that the site was inspected by them on 09.08.2019. Since the owner/ school authorities had failed to submit a plan copy within the stipulated period, a further notice of Lock and Seal dated 10.12.2019 has been issued to them. That apart, they have already initiated action against the respondents 4 and 5, i.e. The Assistant Engineer (Chennai Corporation), Ward - 58, Zone V, Basin Bridge, Chennai - 600 001 and The Executive Engineer, Zone - V, Basin Bridge, Chennai - 600 001. Thus, the learned Standing Counsel submitted that the prayer sought for in this writ petition has become infructuous.

5. Recording the above submission made by the learned Standing Counsel appearing for the respondents 2, 4 and 5/ Corporation, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sri

To

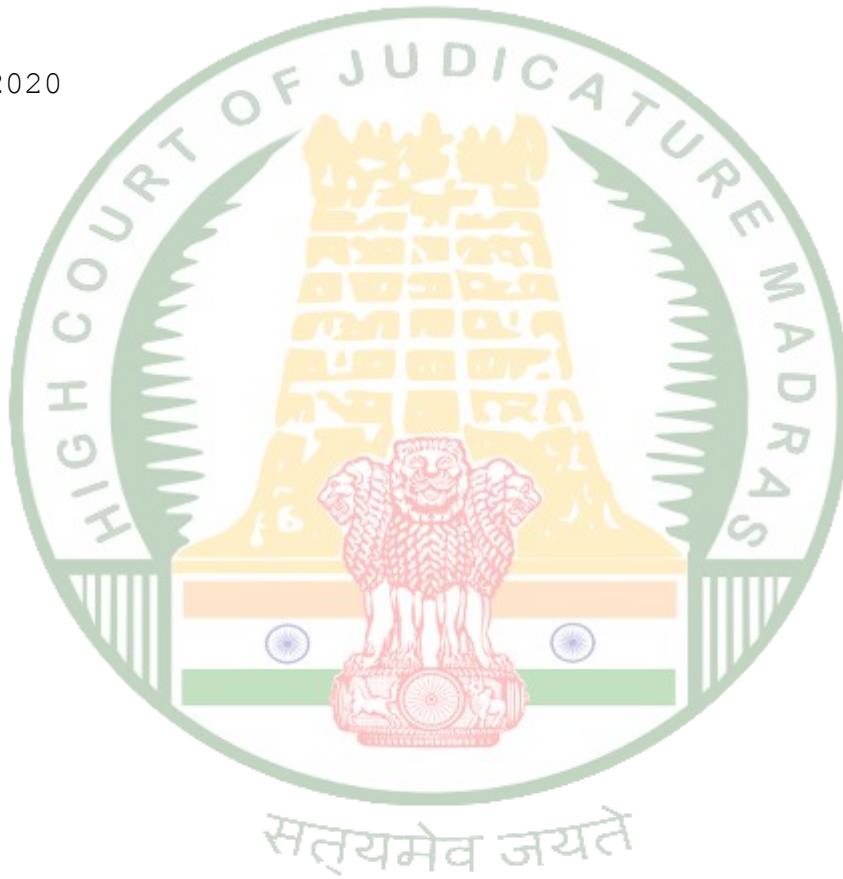
1. The Chief Executive Officer,
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2. The Commissioner,
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3. The Director,
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DPI Complex,
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4. The Assistant Engineer
(Chennai Corporation),
Ward - 58, Zone V,
Basin Bridge, Chennai - 600 001.

5. The Executive Engineer,
Zone - V, Basin Bridge,
Chennai - 600 001.

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.4046
+1cc to Mr.A.K.M.Samsunihar, Advocate, S.R.No.3744
+1cc to M/s.R.Arun Mozhi, Advocate, S.R.No.3811
+1cc to the Government Pleader, S.R.No.4784

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and
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BP (CO)
CS/09/03/2020



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