



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.31216 of 2019

G.Manoharan

... Petitioner

Vs

- 1.The Commissioner
Chennai Corporation,
Rippon Building,
Poonamallee High Road,
Chennai - 600 003.
- 2.The Block Development Officer,
Zone - 5,
Chennai Corporation,
No.61, Basin Bridge Road,
Royapuram, Chennai - 600 021.
- 3.The Zonal Officer,
Zone - 5,
Chennai Corporation,
No.61, Basin Bridge Road,
Royapuram, Chennai - 600 021.
- 4.Krishnamoorthy
- 5.Lakshmana Perumal
- 6.Rajagopal
- 7.Ramraj

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus or any other writ order or direction in the nature of writ directing the second respondent to remove and demolish the unauthorized construction by four to eight respondents put up at near portion 18/2B, New No.12/2, Appaiyar Lane, Royapuram, Chennai - 600 013.



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For Petitioner : Mr.K.Chandrasekar

For Respondents : Mr.K.Raja Srinivas for R1 to R3
: Mr.AR.M.Arunachalam
for R5 to R7

ORDER

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

Seeking a direction to the second respondent to remove and demolish the unauthorized construction put up by four to eight respondents at near portion 18/2B, New No.12/2, Appaiyar Lane, Royapuram, Chennai - 600 013, the present writ petition has been filed.

2. The limited grievance of the petitioner is that no action is forthcoming at the hands of respondents 1 to 3 notwithstanding the earlier order passed on the premise that the building in question has been constructed violating the relevant Rules.

3. The learned counsel appearing for the private respondents and the learned counsel appearing for the Corporation, namely, respondents 1 to 3 submitted that an appeal has been preferred to the Government by the private respondents. The Government in letter No.1159/UD-VII(1)/2019-3, dated 10.01.2010 has sought for certain clarifications and instructions. It was accordingly responded to by the Executive Engineers of respondents 2 and 3 vide letter dated 14.02.2020 that by the order of this Court a direction was issued to the Government to dispose of the application.

4. Thus, in view of the above, we are of the view to dispose of the writ petition giving liberty to the petitioner to file appropriate application to implead himself as a party respondent in the pending appeal. We make it clear that such an application to be made within a period of two weeks from the date of receipt of a copy of this order. The Government is directed to implead the writ petitioner as party respondent and thereafter proceed to adjudicate upon the matter. The appeal stated to be pending as could be seen from the Government letter referred above dated 10.01.2020 will have to be disposed of within a period of eight weeks from the date of receipt of a copy of this order after giving due opportunity to the parties including the writ petitioner.



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ssm

4. Writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner
Chennai Corporation,
Rippon Building,
Poonamallee High Road,
Chennai - 600 003.
- 2.The Block Development Officer,
Zone - 5,
Chennai Corporation,
No.61, Basin Bridge Road,
Royapuram, Chennai - 600 021.
- 3.The Zonal Officer,
Zone - 5,
Chennai Corporation,
No.61, Basin Bridge Road,
Royapuram, Chennai - 600 021.

+1cc to Mr. AR.M.Arunachalam, Advocate, S.R.No.20692

+1cc to Mr.K. Raja Srinivas , Advocate, S.R.No.21129

W.P.No.31216 of 2019

RSV(CO)
aa14/07/2020