

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 22.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.35387 of 2019
and W.M.P.No.36213 of 2019

1.Maddali Chandra Sekhar
2.Maddali Raja Sekhar

...Petitioners

versus

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
2.Radha Gajapathi Raju
3.Urmila Prakash

...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 remove the illegal, unauthorised dangerous structure adjoining the premises at New No.13, Old No.6, Rutland Gate, 4th Street, Chennai - 600 006 morefully described in the schedule hereunder.

For Petitioners :Mr.V.Ravi
For Respondent No.1 :Dr.C.Ravichandran
Standing Counsel for Corporation
For Respondent Nos.2 & 3 :Mr.P.Subba Reddy

O R D E R

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

The petitioners have come up with the present Writ Petition for a Mandamus, directing the first respondent to remove the illegal, unauthorised dangerous structure situated adjoining to his premises at New No.13, Old No.6, Rutland Gate, 4th Street, Chennai - 600 006.

2. The case of the petitioners is that the second petitioner, namely, Maddali Rajasekar is owning 2/3rd shares out of 11 1/2 grounds together with buildings in New No.13, Old No.6, Rutland Gate, 4th Street, Chennai. The remaining 1/3rd share was owned by his brother [Maddali Vijayakumar], who died on 09.01.2007. The respondents 2 and 3 are the neighbours of the petitioners. It is the further contention of the petitioners that adjoining to their property on the East Side at No.5/11,

Rutland Gate, 4th Street, Chennai, the respondents 2 and 3 have constructed an illegal, unsafe tall structure on the North West corner of their property, encroaching the petitioners' property. In this regard, the petitioners had made several representations to the neighbours as well as to the first respondent.

3. In fact, on 18.08.2016, the petitioners sought for an information regarding the illegal structure put up by the respondents 2 and 3 under Right to Information Act, 2005 from the first respondent. On 06.04.2017, the petitioners received a letter from the first respondent's Zonal Officer IX, stating that stop work notice was issued on 23.03.2015 and thereafter, Locking, Sealing and Demolition Notice was issued on 17.04.2015 and 12.08.2015. While so, on 10.10.2017, the petitioners sought for further information from the first respondent regarding the demolition of the illegal structure under Right to Information Act and they received a reply on 10.01.2018 stating that they are not entitled for any information as their question was on a wrong format. Thereafter, the petitioners sent several letters to the first respondent, but till date no action was taken by the first respondent and hence, the petitioners are before this Court with the present Writ Petition.

4. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the first respondent / Corporation as well as the learned counsel appearing for the respondents 2 and 3 and perused the materials available on record.

5. Today, when the matter is taken up for consideration, the learned Standing Counsel appearing for the first respondent / Corporation has filed a detailed counter stating that the respondents 2 and 3 had already submitted an application for demolition of the building, which is under process.

6. Since the respondents 2 and 3 themselves submitted the application for demolition of the building, we are of the opinion that nothing survives for further adjudication in this Writ Petition. Hence, recording the above submission made by the learned Standing Counsel appearing for the first respondent / Corporation, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

(* Schedule Xerox copies enclosed)

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

sri

To

The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

+1 CC to Mr.P.Subba Reddy, Advocate sr 4315.

+1 CC to Mr.V.Ravi, Advocate sr 4195.

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SP(07/02/2020)