

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.33632 of 2019
and W.M.P.No.34103 of 2019

Anuradha Subramanian ...Petitioner
versus

1.The Commissioner of Corporation,
Ribbon Building, Chennai.

2.The Assistant Engineer,
Corporation of Chennai Zone VIII (Mandal 8),
36B, 2nd Cross Street, Pulla Ave,
Shenoy Nagar, Chennai - 600 030.

3.Kailasanathan NatarajanRespondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus,
directing the 1st and 2nd respondents to take action on the
complaint dated 09.11.2019 on the illegal construction made by
the 3rd respondent at AI-107/A, 4th Street, Anna Nagar, Chennai -
600 040.

For Petitioner :M/s.Kanimozhi Mathi

For Respondent Nos.1 & 2 :Mr.A.Nagarajan

Standing Counsel for Corporation

For Respondent No.3 :Mr.S.Sounthar

ORDER

[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 respondents 1 and 2 to
take action on the complaint dated 09.11.2019 about the illegal
construction made by the third respondent at No.14 (107), AI
Block, 4th Street, Anna Nagar, Chennai.

2. The case of the petitioner is that she is owning a
residential house at No.14 (107), AI Block, 4th Street, Anna
Nagar, Chennai. It is the contention of the petitioner that on
the rear side of the house, the third respondent is constructing
a house, without leaving a setback space i.e., without following

the setback rules. Further, the pillars of the construction are adjoining the boundary wall of the petitioner's house at four different places with absolutely no space in between them. In this regard, the petitioner has made several representations to the respondents 1 and 2 about the illegal construction made by the third respondent. Despite the same, the third respondent is continuing the construction and hence, the petitioner has lodged a complaint dated 09.11.2019 before the respondents 1 and 2 about the illegal construction made by the third respondent at No.14 (107), AI Block, 4th Street, Anna Nagar, Chennai. Since no action has been taken by the respondents 1 and 2, the petitioner is before this Court with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2 / Corporation as well as the learned counsel appearing for the third respondent 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 1 and 2 / Corporation submitted that the Zonal Officer [Zone-8], Corporation of Chennai, is the competent authority to consider the complaint of the petitioner.

5. In view of the above submission made by the learned Standing Counsel appearing for the respondents 1 and 2 / Corporation, the Zonal Officer [Zone-8], Corporation of Chennai, [working under the control of the first respondent], is directed to consider the complaint dated 09.11.2019 lodged by the petitioner and conduct an enquiry, by affording reasonable opportunity of personal hearing to the petitioner as well as the third respondent and thereafter, pass appropriate orders, on merits and in accordance with law, preferably within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner and it is for the Zonal Officer [Zone-8], Corporation of Chennai, to decide the issue purely on merits and in accordance with law.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Corporation,
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Corporation of Chennai Zone VIII (Mandal 8),
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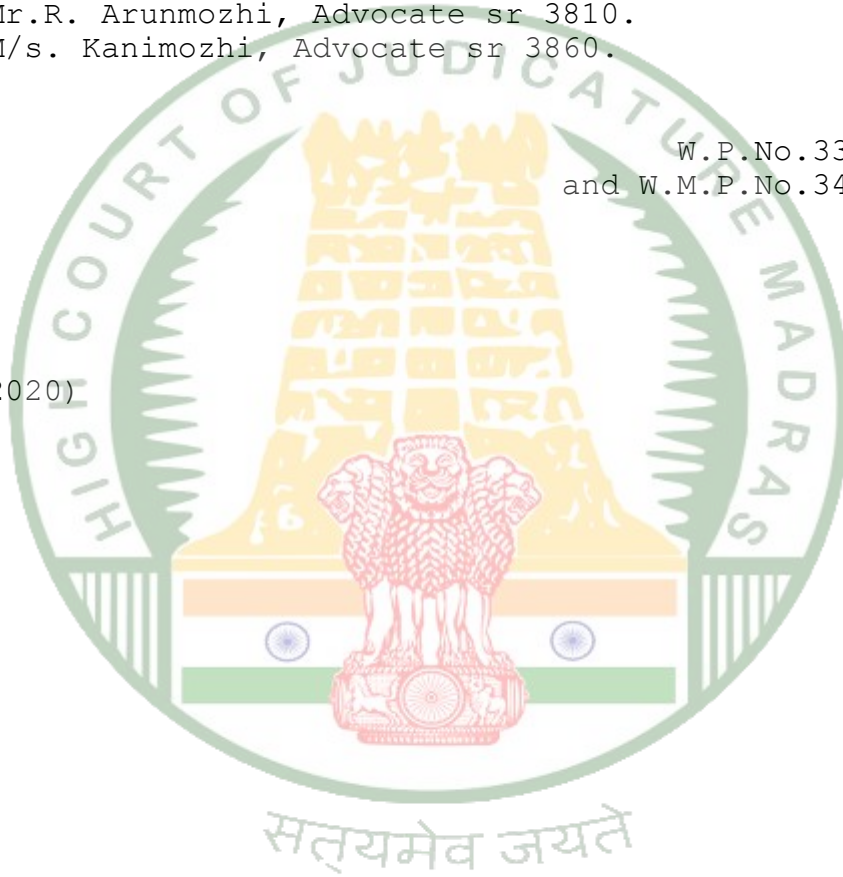
+1 CC to Mr.S.Sounthar, Advocate sr 4296.

+1 CC to Mr.R. Arunmozhi, Advocate sr 3810.

+1 CC to M/s. Kanimozhi, Advocate sr 3860.

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RSV(CO)
SP(24/02/2020)



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