

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.1973/2021

[Video Conferencing]

N.Gretal Nirmala

..Petitioner

Versus

- 1.The Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Maligai
Gandhi Irwin Road, Egmore
Chennai 600 008.
- 2.The Commissioner
Greater Chennai Corporation
Ripon Buildings, Park Town
Chennai 600 003.
- 3.The Superintending Engineer
Town Planning, Planning & Registration of
Contractors, Greater Chennai Corporation
Rippon Building, Chennai 600 003.
- 4.The Zonal Officer
Zone VI [Tondiarpet]
No.266, Thiruvotriyur High Road
Chennai 600 021.
- 5.N.Venkatesan
- 6.G.Jawahar Pandian

.. 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 4 to consider the petitioner-s written representation dated 19.12.2020 to stop unauthorised construction of the building on the premises bearing Door No.52, Sundaram Main Road, Vyasarpadi, Chennai 600 039 in violation of Building Rules by the respondents 5 and 6 and to take legal action appropriately under section 256 of the Chennai City Municipal Corporation Act, 1919, by demolishing the unauthorised construction inclusive of locking and sealing of the premises.

For Petitioner :	Ms.K.Sheeba
For R1 :	Mr.P.S.Ganesh
	Standing counsel
For RR2 to 4 :	Mr.K.Raja Srinivas
	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. P.S. Ganesh, learned Standing counsel accepts notice on behalf of the 1st respondent and Mr. K. Raja Srinivas, learned Standing counsel accepts notice on behalf of respondents 2 to 4.

(3) The petitioner claims to be the daughter of the freedom fighter, viz., Pandit V. Nadesan, and on earlier occasion, filed OS.No.7097/2007 on the file of the Court of 12th Assistant Judge, City Civil Court, Chennai, against Tvl. M.S. Mohan, Mohideen Syed Ahamed, Syed Sharifa, N. Jannath Fathima, M. Abdul Rahaman and M. Rasool Mohideen, for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit property, viz., the vacant land and building situate at No.52, Sundaram Main Road, Vyasarpadi, Chennai-39 and the said suit came to be decreed on 30.08.2013. The petitioner, alleging that the first defendant, viz., Mr. M.S. Mohan, along with Mohideen Syed Ahamed, had sold the property of the petitioner in favour of the private respondents through a registered Sale Deed dated 14.11.2013 bearing Doc.No.4568/2013, once again filed civil suit in OS.No.7306/2014 on the file of the Court of XII Assistant Judge, City Civil Court, Chennai, praying for permanent injunction restraining the defendants therein-private respondents herein, from interfering with her peaceful possession and enjoyment of the suit property and the suit is pending without any interim orders.

(4) The primordial grievance expressed by the petitioner is that in respect of the said property, which is the subject matter of suit in OS.No.7306/2014 pending on the file of the Court of XII Assistant Judge, City Civil Court, Chennai, the private respondents are making attempts to put up unauthorised construction and the representation dated 19.12.2020 submitted in this regard, despite receipt and acknowledgment, failed to invoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

(5) Per contra, Mr. K. Raja Srinivas, learned Standing counsel appearing for respondents 2 to 4, on instructions, would submit that immediately on receipt of the representation, the place in question was inspected and what was found was only a shed and no construction activities was going on and the representation submitted by the petitioner will be given a disposal in accordance with law, after putting on notice, the respondents 5 and 6.

(6) This Court has carefully considered the rival submissions and also perused the materials placed before it.

(7) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in her representation or in this writ petition, directs the 4th respondent, to put the petitioner as well as respondents 5 and 6 on notice and thereafter consider and dispose of the petitioner's representation dated 19.12.2020 on merits and in accordance with law and pass appropriate orders, as expeditiously as possible and not later than four 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 respondents 5 and 6.

(8) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS.VII)

/True Copy/

Sub Assistant Registrar

To

1. The Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Maligai
Gandhi Irwin Road, Egmore
Chennai 600 008.
2. The Commissioner
Greater Chennai Corporation
Ripon Buildings, Park Town
Chennai 600 003.
3. The Superintending Engineer
Town Planning, Planning & Registration of
Contractors, Greater Chennai Corporation
Rippon Building, Chennai 600 003.
4. The Zonal Officer
Zone VI [Tondiarpet]
No.266, Thiruvotriyur High Road
Chennai 600 021.

+1cc to Mr.P.Britto, Advocate Sr.No.5591

AKM/17.03.21 /3P-6C/

WP.No.1973/2021
02.02.2021