

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No. 2436 of 2021 &

W.M.P.No.2747 of 2021

M.Saroja

... Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
2. The Assistant Commissioner,
Greater Chennai Corporation,
Zone-VI, No.5, Anderson Road,
Ayanavaram,
Chennai - 600 023.
3. The Executive Engineer,
Greater Chennai Corporation,
Zone-VI, No.5, Anderson Road,
Ayanavaram,
Chennai - 600 023.
4. Shanthakumari
5. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 3 to take appropriate action as against the unauthorized construction constructed by the fourth respondent without any planning permission at Door No.40, Old No.38/1, Subramaniam Street, Paddy Field Road,

Perambur, Chennai - 600 011, based on petitioner's representation dated 15.11.2019.

For Petitioner .. Mr.S.Santhan

For Respondents .. Mr.Raja Srinivas
Standing Counsel
for R1 to R3
Mr.R.Vijayakumar
AGP for R5

ORDER

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

The husband of the petitioner gave a representation/complaint to the concerned officials of the Greater Corporation of Chennai alleging that Shanthakumari, W/o.Rajasekar, New No.40, Old No.38/1, Subramaniam Street, Paddy Field Road, Perambur, Chennai - 600 011, has put up an unauthorized construction in all three floors and while doing so, has also raised a portion of the building compound wall belonging to the petitioner.

2. The husband of the petitioner, while he was alive, submitted a representation dated 09.08.2017, to the third respondent and after his demise, the petitioner has also submitted a representation dated 15.12.2019 to the very same official and despite receipt and acknowledgement on 18.11.2019, no action whatsoever has been taken.

3. It is contended by the learned counsel appearing for the petitioner that the petitioner has put up a deviated construction, which was not in tune with the planning permission and she also demolished the same and in light of the facts that the above said adjacent owner has put up an unauthorized construction without any planning permission and despite the said fact has been brought to the notice of the concerned official respondents, no action has been taken and, therefore, prays for appropriate orders.

4. Mr.Raja Srinivas, learned Standing Counsel, accepts notice on behalf of respondents 1 to 3, on instructions, would submit that statutory appeal/revision is pending before the Appellate Authority viz., Principal Secretary, Housing and Urban Development, Chennai and since no interim orders are in operation, further steps would be taken in accordance with law and as regards alleged deviated construction put up, in the absence of interim order, necessary steps would be taken in accordance with law to proceed against the alleged unauthorized construction put up by the fourth respondent.

4. This Court has considered the rival submissions and has also perused the materials.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above said facts and without going into the merits of the case projected by the petitioner either in the representation or in the writ petition, directs the third respondent to proceed further in accordance with law, if the said official finds that no interim order is in operation in support of the statutory appeal/revision filed by the fourth respondent before the Government, and complete the said exercise as expeditiously as possible and not later than eight 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 to the fourth respondent.

6. The writ petition stands disposed of accordingly. No costs. Consequently, connected W.M.P.No. 2747 of 2021 is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssm

To

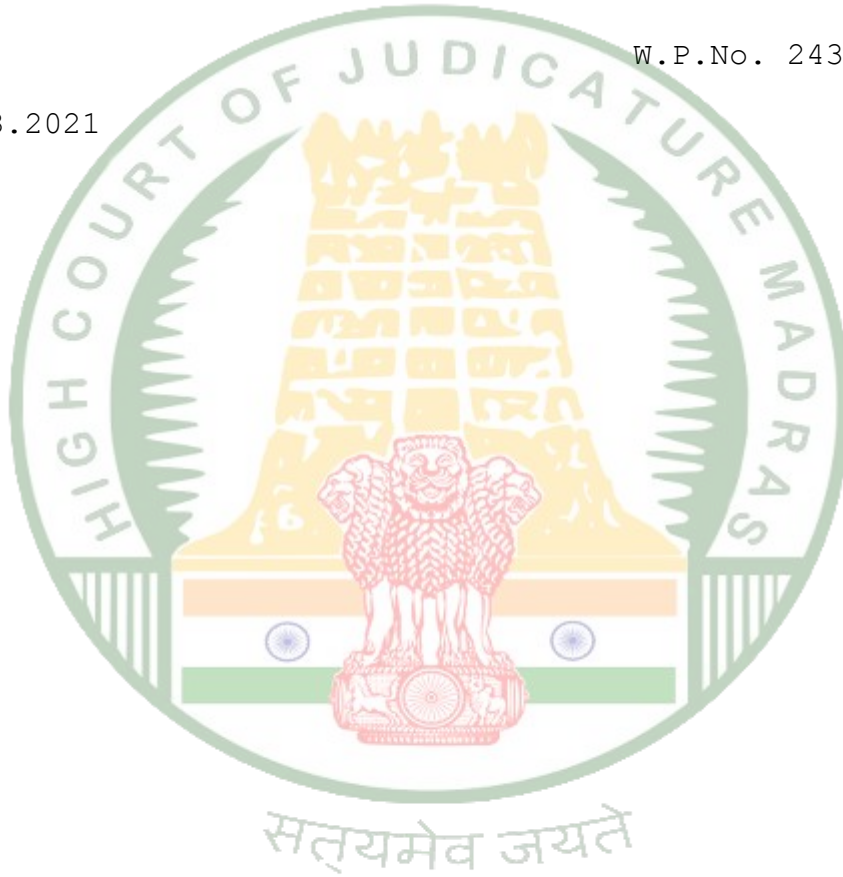
1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
2. The Assistant Commissioner,
Greater Chennai Corporation,
Zone-VI, No.5, Anderson Road,
Ayanavaram,
Chennai - 600 023.
3. The Executive Engineer,
Greater Chennai Corporation,
Zone-VI, No.6, Anderson Road,
Ayanavaram,
Chennai - 600 023.

4. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

+1cc to Mr.K.Raja Srinivas, Advocate, SR.No.6429.

AJS (CO)
CSR: 10.03.2021

W.P.No. 2436 of 2021



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