

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.6771 of 2021

M.Kishore Kumar

.. Petitioner

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2. The Execution Engineer,
Zone V,
Greater Chennai Corporation,
Chennai - 600 001.

3. Manjalal Padamji

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first and second respondents to demolish the unauthorized and unlawful construction carried out by the third respondent at No.10, Hanumantharayan Koil Street, Chennai - 600 001.

For Petitioner : Mr.C.Mohanraj

For Respondents : Mrs.Karthika Ashok
for respondent Nos.1 and 2

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy,J.)

The writ petitioner complains of unauthorized construction by the third respondent at No.10, Hanumatharayan Koil Street, Chennai-600 001.

2. The writ petitioner asserts that he has reliable information that the third respondent has constructed a building consisting of ground plus five floors without obtaining the requisite building permit and sanctioned plan from the

authorities concerned. Consequently, the petitioner issued notice dated 18.01.2021 to the respondents herein. However, in spite of receiving the said notice, the official respondents did not initiate any action against such unauthorized construction.

3. Mrs.Karthika Ashok, learned counsel for the Greater Chennai Corporation, accepts notice on behalf of respondents 1 and 2 and questions the maintainability of the writ petition on the ground that the writ petition has been filed on the basis of the information gathered indirectly.

4. Without examining the merits of the notice dated 18.01.2021 of the petitioner, respondents 1 and 2 are directed to consider such notice and dispose of the same after providing a reasonable opportunity to all affected parties, including the third respondent herein. The writ petition is being disposed of without notice to the third respondent because the merits of the dispute have not been examined, and the authorities have been directed to hear the third respondent. Such speaking order shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

W.P.No.6771 of 2021 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2. The Executive Engineer,
Zone V,
Greater Chennai Corporation,
Chennai - 600 001.

+lcc to Mr.Louis Ramesh, Advocate, SR.No.16557.

W.P.No.6771 of 2021

SKY(CO)
CSR 29.03.2021