

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2021

CORAM

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

WP.No.7288/2021

K.Ramalingam

.. Petitioner

Versus

1. The Commissioner
Greater Chennai Corporation,
Ripon Buildings, No.1131
EVR Periyar Salai
Chennai 600 003.
2. The Zonal Officer,
Zone-IX, Greater Chennai Corporation
No.4, 4th Cross Street, Lakeview Road
Chennai 600 034.

3.S.Jeya Glottin

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st and 2nd respondents to consider the petitioner's representation dated 17.11.2020 to take appropriate action against the unauthorised construction put up by the 3rd respondent within a time frame fixed by this Court.

For Petitioner : Mr.J.T.Rajasuriya

For RR 1 & 2 : Mr.K.Raja Srinivas
Standing counsel

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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.K.Raja Srinivas, learned standing counsel accepts notice on behalf of respondents 1 and 2.

- (3) The petitioner claims to be the owner of the premises bearing New No.30/2, 10th Street, Sourashtra Nagar, Chennai-94, and according to the learned counsel for the petitioner, the 3rd respondent is putting up unauthorised construction in New No.30/1, 10th Street, Sourashtra Nagar, Chennai, adjacent to the petitioner property without leaving any setback and in the process, also affecting the easmentary right of light and air. It is also pointed out that the petitioner, as a plaintiff filed OS.No.8018/2019 for permanent injunction, restraining the 3rd respondent from interfering/encroaching upon his right in respect of his property and the same is pending on the file of the Court of VIII Assistant Judge, City Civil Court, Chennai and an order of ad-interim injunction is in operation and despite that the 3rd respondent is proceeding further to put up the unauthorised construction.
- (4) It is also pointed out that the representation dated 17.11.2020 has also been submitted to respondents 1 and 2 and the said representation has also been acknowledged on 20.11.2020 and despite receipt and acknowledgment, no action has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (5) Mr.K.Raja Srinivas, learned Standing counsel appearing for respondents 1 and 2 would submit on instructions, that upon receipt of the representation, the 2nd respondent has issued a Notice dated 18.03.2021 to the 3rd respondent, calling for approved plan and further course of action would follow depending upon the response of the 3rd respondent.
- (6) This Court has 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 the representation or in this writ petition, directs the 2nd respondent to proceed further in respect of the notice dated 18.03.2021 issued to the 3rd respondent, calling for the approved plan and also to verify whether the premises of the petitioner at New Door No.30/2, 10th Street, Sourashtra Nagar, Chennai-94, is authorised/deviated/unauthorised and depending upon the result of the same, is also at liberty to take immediate, necessary and appropriate steps in accordance with law, by also adhering to the principles of natural justice and the entire exercise, as ordered by this Court, shall be carried out by the 2nd respondent within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Commissioner
Greater Chennai Corporation,
Ripon Buildings, No.1131
EVR Periyar Salai
Chennai 600 003.
2. The Zonal Officer,
Zone-IX, Greater Chennai Corporation
No.4, 4th Cross Street, Lakeview Road
Chennai 600 034.

Copy to: Ms.S.Jeya Glottin, W/o.Sebati Raj,
New No.30/1, 10th Street,
Choolaimedu, Chennai-94.

+1cc to Mr.T.K.S.Gandhi, Advocate, S.R.No.18271.

SS(CO)
CSR 17.04.2021

WP.No.7288/2021

सत्यमेव जयते
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