

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.10001 of 2021
and W.M.P.No.10625 of 2021

M.Jaganathan ... Petitioner

-vs-

- 1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-03.
- 2.The Assistant Executive Engineer,
Greater Chennai Corporation
Zone-IX, No.1, Lake Area 4th Cross Street, Nungambakkam,
Chennai 600 034.
- 3.F.Venkatalakshmi
- 4.R.Stalin
- 5.J.Rajan
- 6.R.Vikki
- 7.The Assistant Engineer,
Tamil Nadu Electricity Board,
53 & 54, TPI Compound,
College Road, Chennai 600 006.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 and 2 to remove unauthorised constructions made by the respondents 3 to 5 in the land measuring 450 sq.ft. situated at New No.12/1, Old No.28, Rangoon 1st Street, Patharisalai Junction, Thousand Lights, Chennai 600 006, within a period of time to be fixed by this Court.

For Petitioner : Mr.K.Lavan

For Respondents : Mrs.Karthikaa Ashok
Stdg. Counsel for RR 1 and 2

ORDER

The petitioner complains of unauthorised constructions by the third to fifth respondents in New No.12/1, Old No.28, Rangoon 1st Street, Patharisalai Junction, Thousand Lights, Chennai 600 006.

2. The writ petitioner asserts that unauthorised constructions were put up in the year 2009 by the third respondent herein. Consequently, the writ petitioner filed W.P.No.23360 of 2009. By order dated 22.12.2009, the said writ petition was disposed of after recording that a stop work notice had been issued to the third respondent. Thereafter, it is stated that the third respondent proceeded with the unlawful construction and that the same resulted in the filing of a contempt petition by the writ petitioner.

3. In spite of the stop work notice issued by the official respondents herein, it is stated that the third respondent has completed the construction of the ground and first floor of the building and has also sold portions of the ground and first floor to the fourth and fifth respondents and that the fifth respondent, in turn, has let out a portion to the sixth respondent.

4. Learned Standing Counsel for the Greater Chennai Corporation, Mrs.Karthikaa Ashok, accepts notice on behalf of respondents 1 and 2 and states that there are two aspects to the matter. The first aspect pertains to the construction of a public toilet by the Greater Chennai Corporation. Such public toilet has been constructed with about 12 separate units for use by men and women, in total, and the same is being maintained properly by the Chennai Corporation. As regards the second aspect, namely, the unlawful construction, she states that further action would be taken pursuant to the stop work notice already issued. She also points out that the petitioner has also carried out unlawful construction on his premises.

5. In the aforesaid facts and circumstances, without examining the merits of the matter, the first and second respondents are directed to consider the representation dated 19.03.2021 of the petitioner and dispose of the same by a reasoned order within a period of six weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to all parties affected thereby, including respondents 3 to 6 herein.

6. In view of the fact that the merits of the matter have not been examined and because respondents 1 and 2 have been

directed to hear respondents 3 to 6 before passing orders, the writ petition is being disposed of without notice to respondents 3 to 6 herein. It is also made clear that there is no embargo on the official respondents initiating action against the petitioner in accordance with law, in case the petitioner has erected any unlawful construction.

W.P.No.10001 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.No.10625 of 2021 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-03.
- 2.The Assistant Executive Engineer,
Greater Chennai Corporation
Zone-IX, No.1, Lake Area 4th Cross Street, Nungambakkam,
Chennai 600 034.
- 3.The Assistant Engineer,
Tamil Nadu Electricity Board,
53 & 54, TPI Compound,
College Road, Chennai 600 006.

+cc to M/S.K.Lavan Advocate Sr.No.24538
+cc to M/S.Karthikaa Ashok Advocate Sr.No.24749

W.P.No.10001 of 2021

PL(CO)
baf 04/05/2021

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