



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No. 11947 of 2021
and

W.M.P.Nos. 12708 and 12709 of 2021

S.Sekar

... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.

2. The Assistant Engineer
Corporation of Chennai
IX Zone, 114 -Ward
Arunachala Street
Chepauk, Chennai - 600 005.

3. Arumugam

4. Durairaj

5. Suriyakalavathy

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents 1 and 2 to forbear the Respondents 3 to 5 from proceedings from the process of construction and consequently, direct the Respondents 1 and 2 to take appropriate action in accordance with law based on Petitioner's representation dated 29.04.2021.

For Petitioner : Mr.M.Vijay Anand

For Respondents : Mr.M.Aswin (For R3 to R5)
Mr.P.Gopinath (For R1 & R2)



O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The Petitioner has come before this Court seeking Writ of Mandamus, directing the First and Second Respondents to forbear the Third to Fifth Respondents from proceeding from the process of construction and consequently, direct the First and Second Respondents to take appropriate action in accordance with law based on Petitioner's representation dated 29.04.2021.

2. Heard Mr.M.VijayaAnand Learned Counsel for the Petitioner, Mr.P.Gopinath, Learned Counsel appearing for the First and Second Respondents and Mr.P.Balathandayutham, Learned State Government Counsel appearing for the Third to Fifth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

3. It is evident from the records produced by the Petitioner himself that there is a private dispute between the Petitioner and the private Respondents and the matter is pending before the Civil Court in O.S.No.13010 of 2010, in which one S.Kanniammal, mother of the Petitioner, sought partition of the property comprised in Survey No.164/1 ad-measuring 816 square feet situated at Door No.23, Old Door Nos.4/17, 29, Appavu Gramani Street, Triplicane, Madras.

4. The grievances of the petitioner are that without getting any approved plan, the private Respondents are proceeding with the construction and therefore, the Petitioner has given a representation dated 29.04.2021. However, no action has been taken on the petitioner's representation dated 29.04.2021.

5. In view of that, the Second Respondent is directed to consider the representation of the Petitioner and conduct enquiry, after giving notice to the Petitioner as well as private Respondents and dispose of the representation, within eight weeks from the date of receipt of a copy of this order, on its own merits as per law.

6. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



Maya

To

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.
2. The Assistant Engineer
Corporation of Chennai
IX Zone, 114 -Ward
Arunachala Street
Chepauk, Chennai - 600 005.

+1cc to Mr.P.Gopinath, Advocate, S.R.No.28014

+1cc to Mr.M.Aswin, Advocate, S.R.No.28185

W.P. No. 11947 of 2021

PCH(CO)
CT/22/07/2021