



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.18096 of 2021

Jawaid Alam Iraqi

...Petitioner

Vs.

1. Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Building,
No.1, Gandhi Erwin Road,
Chennai - 600 008.

2. The Commissioner,
Greater Chennai Corporation,
Poonamallee High Road,
Chennai - 600 003.

3. Mustafa

4. Dr.Mangad Mohammed Iqbal

5. Taheri K.Dhanaliwala

6. Shabbir K.Dhanaliwala

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.03.2021 and to take necessary steps to stop and remove the unauthorized construction made by the respondents Nos.3 to 6 in Touch Stone Apartments, No.10, Vasu Street, Kilpauk, Chennai - 10, within a stipulated time frame.

For petitioner : Mr.K.R.Samratt

For respondents : Mr.P.S.Ganesh
Standing Counsel (for R1)

: Mr.R.Gopinath (for R2)

: Mr.N.C.Thirumalai Balaji
(for R3, R5 & R6)

No appearance for R4



ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J)

The prayer in this writ petition is to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.03.2021 and to take necessary steps to stop and remove the unauthorized construction made by the respondents Nos.3 to 6 in Touch Stone Apartments, No.10, Vasu Street, Kilpauk, Chennai - 10, within a stipulated time.

2.The case of the petitioner is that the petitioner and the private respondents are residing in a residential unit consisting of 35 flats, which were constructed about 23 years ago and it was named as "Touch Stone Apartment". The petitioner is residing at C3, 3rd Floor in the said apartment.

3.The grievances expressed by the petitioner is that the private respondents have put up unauthorized construction, which would create endanger to the building as well as occupants of the area. Hence, he made a representation to the authorities to take appropriate action. Since no action has been taken, he has come forward with this writ petition.

4.Mr.P.S.Ganesh, learned Standing Counsel appearing for the first respondent would state that after receiving the representation of the petitioner, an inspection was carried out by the officials of the first respondent and notice dated 13.09.2021 was issued to the association as well as the owners of the flats for production of the approved plan and if there is any unauthorized construction, the first respondent will issue lock and seal notice and will take further action thereafter.

5.In the light of the above submission, the first respondent is hereby directed to take appropriate action on the basis of the representation of the petitioner in accordance with law, after providing opportunity to all necessary parties, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skn



To

1. Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Building,
No.1, Gandhi Erwin Road,
Chennai - 600 008.

2. The Commissioner,
Greater Chennai Corporation,
Poonamallee High Road,
Chennai - 600 003.

+1cc to Mr.R.K.Premkumar, Advocate, S.R.No.48333

+1cc to Mr.R.Gopinath,SC (Corporation)Chennai, S.R.No.48195

+1cc to M/s.P.Subba Reddy, Advocate, S.R.No.48955

W.P.No.18096 of 2021

SJ(CO)
RGA(05/10/2021)