



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.08.2021

CORAM:

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

W.P. No.17867 of 2021

Nandagopal

.. Petitioner

Versus

1. The Chennai Corporation,
Rep. by its Commissioner,
No.1131, Rippon Building,
EVR Periyar Salai, Park Town,
Chennai 600 003.
2. The Principal Secretary,
The Housing and Urban Development Department,
Secretariat, Chennai 600 009.
3. The Executive Engineer,
Corporation of Chennai,
Zone 9, No.1, 4th Cross Street,
Nungambakkam, Chennai 600 034.
4. The Assistant Engineer,
Corporation of Chennai,
Ward 123, Zone 9, No.29, Anandapuram,
C.P.Ramasamy Road,
Alwarpettai, Chennai 600 018.

5. Sankaranarayanan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the fourth respondent to consider the representation dated 07.05.2021 (requesting them to take action against the subject property and the same is violation of construction) within a stipulated time.

For petitioner	: Mr.R.Krishnan
For respondents	
for RR1,3 and 4	: Mr.K.Raja Srinivas
for R2	: Mr.K.V.Sanjeev Kumar



ORDER

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

The Writ Petition is heard through video conferencing.

2. The petitioner has come up with this Writ Petition for issuance of a Writ of Mandamus directing the fourth respondent to consider the representation of the petitioner dated 07.05.2021 within a stipulated time.

3. Mr.R.Krishnan, learned counsel appearing for the petitioner would state that the petitioner is the owner of the property bearing Door No.11, Thiruvallur Street, Teynampet, Chennai. The fifth respondent is a neighbor and his property is at Door No.4, New Door No.13, Thiruvalluvar Salai, Teynampet, Chennai. According to the learned counsel, the fifth respondent is now constructing a building in violation of the approved plan and he has not given any set back. It is also stated that the construction activities in the property closes all the free air and day light enjoyed by the petitioner for all these years.

4. Mr.K.Raja Srinivas, learned Standing Counsel appearing for the respondents 1, 3 and 4 would state that based on the representation of the petitioner, the third respondent issued a notice to the fifth respondent to produce the approved plan and thereafter, inspected the building. It is the submission of the learned Standing Counsel that the fifth respondent has got the planning permission from the competent authority and he is constructing the building in accordance with the approved plan. It is further stated that if there is any violation or deviation in the construction put up by the fifth respondent, the official respondents are ready to take action, however as on date, there is no violation.

5. In the light of the above facts, we do not find any merit in this Writ Petition. It is made clear that if any violation is found in the construction of the fifth respondent, the concerned official shall take action in accordance with law. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

pvs



To

1.The Commissioner,Chennai Corporation,
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EVR Periyar Salai, Park Town,
Chennai 600 003.

2.The Principal Secretary,
The Housing and Urban Development Department,
Secretariat, Chennai 600 009.

3.The Executive Engineer,
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NMI (CO)
CB(17/09/2021)