

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

W.P.No.25991 of 2021

K.Kumarandoss

...Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

3.N.K.Gopi

...Respondents

Prayer :Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to consider the petitioner's representation dated 20.03.2021.

For Petitioner :Mr.A.Ramesh Babu

For Respondent :Mr.C.Sumathi Sreekanth
Standing Counsel for CMDA (for R1)

Mr.K.Raja Shirnivas
Senior Standing Counsel (for R2)

Mr.Rajesh Ramanathan (for R3)

ORDER

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

This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to consider the petitioner's representation dated 20.03.2021.

2.The learned counsel appearing for the petitioner Mr.A.Ramesh Babu would submit that the third respondent, who owns the property on the eastern side of the petitioner's property, has put up construction encroaching upon two feet on the public road and in violation of the planning permission.

3.The learned standing counsel appearing for the first respondent Mrs.Sumathi Sreekanth would state that the representation of the petitioner has been forwarded to the second respondent to take appropriate action.

4.The learned Senior Standing Counsel appearing for the Greater Chennai Corporation Mr.K.Raja Shirnivas would state that based on the representation of the petitioner, the second respondent had already issued lock & seal and demolition notice to the third respondent dated 06.12.2021. It is also stated that the second respondent would issue a notice to the petitioner. A copy of the notice issued by the Assistant Engineer, DIV 062, Assistant Executive Engineer, Unit 14 and Executive Engineer, Zone 05 has been placed for perusal of the Court.

5.The learned counsel appearing for the third respondent Mr.Rajesh Ramanathan would state that a civil suit is pending between the petitioner and the third respondent.

6.Considering the fact that the second respondent has already initiated proceeding based on the representation of the petitioner, we are of the opinion that the prayer sought for in this writ petition has become infructuous.

7.Hence, this Writ Petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn
To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

+1cc to Mr.V.Arularasu, Advocate Sr.66922
+1cc to Mr.K.Raja Srinivas, Advocate Sr.67144

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ca[co]
srg 04/01/2022