

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.3952 of 2022 and W.M.P. No.4094 of 2022

P.D.Manjunath Shenoy

...Petitioner

vs

1. The Commissioner,
Corporation of Greater Chennai,
Chennai - 600 003.
2. The Executive Engineer (Enforcement),
Zone-VIII, Division 102,
Corporation of Chennai,
Chennai - 600 030.
3. The Assistant Engineer,
Zone-VIII, Division 102,
Corporation of Chennai,
Chennai - 600 030.

4.Deepika Khadolia

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents 1 to 3 to demolish the illegal and unauthorised construction put up by the fourth respondent in her property situated in Door No.11F, 1st Street, (Arumuga Naicker Street), K.G.Colony Extn., Kilpauk, Chennai-600 010 in total disregard of planning and building permission.

For Petitioner : Mr.V.Subramanian

For Respondents : Mr.K.Raja Shrinivas,
Standing Counsel for
Corporation of Chennai
for R1 to R3

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court for issuance of writ of Mandamus directing respondents 1 to 3 to demolish the

illegal and un-authorised construction put up by the fourth respondent in her property situated at Door No.11F, 1st Street, (Arumuga Naicker Street), K.G.Colony Extension, Kilpauk, Chennai-600 010.

2.Learned counsel appearing for the petitioner submitted that the fourth respondent is owning a residential property, adjoining to her house, situated at Door No.11F, 1st Street, K.G.Colony Extension, Kilpauk, Chennai-600 010. Since the petitioner's property was in a dilapidated condition, she proposed to put up a new construction. Therefore, she obtained a planning permission from the Executive Engineer, Town Planning Section-Central Region, Chennai Municipal Corporation. Since the petitioner came to know that the structure put up by the fourth respondent is totally in violation of the sanctioned plan, she approached respondents 1 to 3 requesting them to stop the illegal act of the fourth respondent and to remove the un-authorised construction. As there was no response, the petitioner is before this Court seeking the above prayer.

3.Learned Standing Counsel appearing for respondents 1 to 3 submitted that the writ petition has become infructuous, since respondents 2 and 3 had already issued notice on 26.02.2022 to the petitioner and the fourth respondent calling for an enquiry to submit their approved planning permission. Learned Standing Counsel further submitted that after holding enquiry, suitable action will be taken against the petitioner and the fourth respondent, if any illegal or un-authorised construction found by respondents 2 and 3.

4.As the action has already been initiated by respondents 2 and 3 in issuing notice to the petitioner as well as the fourth respondent, recording the submission made by the learned Standing Counsel appearing for respondents 1 to 3 to the effect that the prayer in this writ petition has become infructuous, we are inclined to dismiss the writ petition. Accordingly, this writ petition stands dismissed giving liberty to the second respondent to proceed further in the manner known to law. Consequently, W.M.P. No.4094 of 2022 stands closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
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Chennai - 600 003.
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Corporation of Chennai,
Chennai - 600 030.
3. The Assistant Engineer,
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Chennai - 600 030.

+1 CC to Mr.K. Rajashrinivas, Advocate sr 13911

+1 CC to Mr.V.Subramanian, Advocate sr 12980.

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AKII (CO)

SP(16/03/2022)