



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

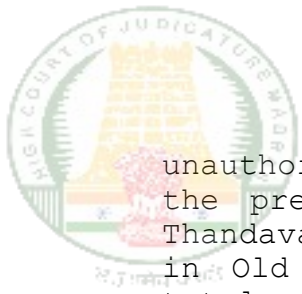
W.P.No.9348 of 2022 and WMP.No.9100 of 2022

1. C.K.Baskaran
2. C.K.Rajamanickam
3. G.Vasanthi
4. C.G.Gurunathan
5. C.G.Nandhana Devi ... Petitioners

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai-600 003.
2. The Assistant Engineer, Zone-VIII,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.
3. The Assistant Executive Engineer, Zone-VIII,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.
4. Indrani Ammal
5. A.Karthi
6. N.Pushpalatha
7. J.Premalatha
8. A.Dhanalakshmi . .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to take action against the



unauthorized construction put up by the respondents 4 to 8 in the premises bearing Old Door No.17 and 20, New Door No.41, Thandavachari Street, Purasawalkkam, Chennai-600 007, comprised in Old Survey No.1057, R.S.No.1448/1 and C.C.No.2387 and the total extent is 1587 sq.ft. in terms of the notice dated 18.03.2022 in Notice No.Zone VIII/TPENF/425/2022.

For Petitioners : Ms.A.Anuradha
For Respondents : Mr.K.Raja Shrinivas
1 to 3

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to take action against the unauthorized construction put up by the respondents 4 to 8 in the premises bearing Old Door No.17 and 20, New Door No.41, Thandavachari Street, Purasawalkkam, Chennai-600 007, comprised in Old Survey No.1057, R.S.No.1448/1 and C.C.No.2387 to a total extent of 1587 sq.ft. in terms of the notice dated 18.03.2022 in Notice No.Zone VIII/TPENF/425/2022.

2. Learned Counsel appearing for the petitioners would submit that under a Deed of Family Settlement dated 10.02.1975 registered as Document No.3371 of 1975 executed by one Thirunavukkarasu Mudaliar, a right to reside and enjoy the income from the property bearing Old Door Nos.17 and 20, New Door No.41, Thandavachari Street, Purasawalkkam, Chennai-600 007, comprised in Old Survey No.1057, R.S.No.1448/1 and C.C.No.2387 to an extent of 1587 sq.ft. was given to the 4th respondent and she has no right to alienate the property by way of sale, gift or mortgage etc. and after the life time of the 4th respondent, one Jagannathan, Adimoolam, father of the respondents 5 to 8, Gopalan, husband of the 3rd petitioner and father of the petitioners 4 and 5 and the petitioners 1 and 2 have to take said property absolutely. Whiles, C.K.Jagannathan and his wife C.J.Kasthuriammal died on 25.11.1983 and 27.02.1997 respectively issue less and Adimoolam and Gopalan also died on 28.12.2003 and 31.12.2019 respectively leaving behind them respondents 4 to 8 and the petitioners 3 to 5 as their legal heirs. Thus, when the petitioners herein and the respondents 5 to 8 have become the joint owners after the life time of the 4th respondent herein, any division or partition of the property-in-question can take place only after the life time of the 4th respondent herein. But the respondents 4 to 8 without the consent of the petitioners have started putting up construction in the south west portion of the aforesaid property. Therefore, a complaint dated 16.03.2022 was given by the petitioners and



based on the said complaint, the respondents 2 and 3 made a spot inspection on the site and thereafter issued a notice dated 18.03.2022 to the respondents 4 to 8 under Sections 57 and 58 read with 85 of the Tamil Nadu Town and Country Planning Act. But thereafter, no action has been taken. Therefore, the petitioners have been advised to come to this Court.

3. Mr.K.Raja Shrinivas, learned Standing Counsel taking notice for the respondents 1 to 3 submitted that notice dated 18.03.2022 has been issued by the Assistant Executive Engineer, Greater Chennai Corporation, Zone-VIII, 2nd Cross Street (East), Pulla Avenue, Shenoy Nagar, Chennai-30 granting two weeks time which ends on 03.04.2022. Therefore, further action would be taken by issuing the lock and seal and demolition notice within a week time.

4. Recording the said statement of the learned Standing Counsel for the respondents 1 to 3, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Commissioner, Greater Chennai Corporation,
Ripon Buildings, Chennai-600 003.
2. The Assistant Engineer, Zone-VIII,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.
3. The Assistant Executive Engineer, Zone-VIII,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.

+2cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.25693,26602

W.P.No.9348 of 2022

JPL(CO)
CT 28/04/2022