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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

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

W.P.NO.24672 OF 2021

Rakesh

... Petitioner

.Vs.

1. The Commissioner,
Pallavaram Municipality,
3rd Main Road, Pallavaram,
Sasthri Colony, Chrompet,
Chennai - 600 044.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thallamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3. Mala Murugan

... 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 to initiate action against the unauthorised construction on the car parking area put up by the 3rd respondent in Maha Flats, No.64/74, Dhargas Road, Zamin Pallavaram, Chennai - 600117 and remove the same based on the petitioner's representation dated 08.10.2021 and 8/1A.

For petitioner : Mr.R.Muthukumar

For respondents : Mr.M.K.Ponraj
For Mr.K.Raja Shirinivas
Senior Standing Counsel
(for R1)



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Mrs.C.Sumathy Sreekanth
Standing Counsel (for R2)

Mr.M.K.Prabakar (for R3)

ORDER

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

Heard Mr.R.Muthukumar, learned counsel for the petitioner, Mr.M.K.Ponraj, learned counsel appearing for the first respondent, Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the second respondent, Mr.M.K.Prabakar, learned counsel appearing for the third respondent and perused the materials available on record.

2. The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the unauthorised construction made by the third respondents at Maha Flats, No.64/74, Dhargas Road, Zamin Pallavaram, Chennai - 600 117.

3. The learned Standing Counsel appearing for the first respondent would submit that based on the complaint of the petitioner, a pre-notice dated 21.12.2021 was issued to the third respondent for production of the approved plan. Since there was no response, final order came to be passed on 07.01.2022 directing the third respondent to remove the encroachment.

4. It is the contention of the learned counsel for the third respondent that no unauthorised construction is made by the third respondent as alleged by the petitioner, but he constructed only a security room. However, considering the fact that the first respondent had already passed an order on 07.01.2022, we are of the considered opinion that nothing survives for further consideration in this writ petition. Hence, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

skn



To

1. The Commissioner,
Pallavaram Municipality,
3rd Main Road, Pallavaram,
Sasthri Colony, Chrompet,
Chennai - 600 044.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thallamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to Mr.S.Ravichandran, Advocate, S.R.No.1868

W.P.NO.24672 OF 2021

BS (CO)
PBS/27/01/2022