



DATED: 09.12.2022

and

Writ Petition No.32731 of 2022

.. Petitioner

Vs.

.. Respondents



W.P.No.32731 of 2022

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to demolish and remove the unauthorised construction cement sheet roof shed, to an extent of 600 sq.ft. situated at Old No.21, New No.30, South Perumal Koil Street, Vadapalani, Chennai.

For Petitioner : Ms.D.Sridevi

For R1 to R3 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petition is filed for a direction to the respondents 1 to 3 to demolish and remove the unauthorised construction cement sheet roof shed, to an extent of 600 sq.ft. situated at Old No.21, New No.30, South Perumal Koil Street, Vadapalani, Chennai.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.D.B.R.Prabhu, the learned Standing Counsel, who takes notice for the respondents 1 to 3, the Writ Petition is taken up for final disposal at the stage of admission itself.



3.Learned counsel appearing for the petitioner contended that the petitioner is absolute owner of the property in question. The 4th respondent encroached the said property and put up unauthorised cement sheet roof building without obtaining any building plan approval and any permission from the concerned authorities. The petitioner approached the respondents 1 to 3 for demolition of unauthorised construction put up by the 4th respondent. They did not take any action to remove the unauthorised construction. Hence, the petitioner sent a representation dated 16.08.2022 to the respondents 1 to 3. Since no action has been taken by them, the petitioner has come out with the present writ petition.

4.Learned counsel appearing for the petitioner further contended that in order to prevent the petitioner from taking possession of the property, the 4th respondent has filed O.S.No.2379 of 2022 on the file of the I Assistant City Civil Court, Chennai, for permanent injunction restraining the petitioner from interfering with his possession.

5.Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents 1 to 3.



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6.It is the case of the petitioner that he is the owner of the property and 4th respondent has encroached the said property. The suit filed by the 4th respondent against the petitioner for injunction is pending before the competent Civil Court. Whether the petitioner is owner of the property or not and if any unauthorised construction is put up by the 4th respondent without any approval, building plan and permission, the respondents 1 to 3 are bound to remove the same as per law. In view of the above, without deciding the title of the property, the respondents 1 to 3 are directed to inspect the property in question within 15 days from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as 4th respondent and if any unauthorised construction has been put up by the 4th respondent, the respondents 1 to 3 are directed to take appropriate action for removal of the same as per the provisions and in accordance with law.

7.With the above directions, the writ petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
09.12.2022

Index : Yes/No
kj



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To

WEB COPY

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003.

2.Executive Engineer
Chennai Corporation Zonal – 10
New No.117, Old No.64
NSK Salai, Kamarajar Colony
Kodambakkam, Chennai-600 024.

3.Assistant Engineer
Chennai Corporation Zonal – 10
New No.117, Old No.64
NSK Salai, Kamarajar Colony
Kodambakkam, Chennai-600 024.



WEB COPY



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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

Kj

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