



W.P.No.34566 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.34566 of 2022
and
W.M.P.No.33998 of 2022

Sivaraman Street Residents Welfare Association
Represented by its President,
Mr.Velayudham Jayavel
S/o.T.Jayavel
Old No.20, New No.6,
Sivaraman Street, Mandavelli,
Chennai – 600028.

.. Petitioner

Vs.

- 1.The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development,
Secretariat, Chennai – 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Chennai – 600 008.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 090.



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4.Ashraf Ali Sha & Fard Ali Sha Trust
No.1, St.Mary's Road,
Mandavelli,
Chennai – 600 028.

5.S.Baskaran

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1-3 to initiate action by locking and sealing the unauthorized construction and unauthorised commercial establishments in Sivaraman Street, Mandaveli, Chennai – 600028 and consequentially remove, demolish and abate the authorized constructions and unauthorised commercial establishments in Sivaraman Street, Mandaveli, Chennai – 600028.

For Petitioner : Mr.Shyam Rohith.P
M/s.D.R.Law Chambers

For R1 : Ms.R.L.Karthika,
Government Advocate

For R2 : Mr.C.N.Vinobha
Standing Counsel

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

ORDER

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

The present writ petition is filed for a direction to the Respondents 1 to 3 to initiate action by locking and sealing the unauthorized construction and unauthorised commercial establishments in Sivaraman



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Street, Mandaveli, Chennai – 600028 and consequentially remove, demolish and abate the authorized constructions and unauthorised commercial establishments in Sivaraman Street, Mandaveli, Chennai – 600028.

2. Ms.R.L.Karthika, learned Government Advocate takes notice for the 1st respondent, Mr.C.N.Vinobha, learned Standing Counsel takes notice for the 2nd respondent and Mr.D.B.R.Prabhu, learned Standing Counsel takes notice for the 3rd respondent.

3. By consent of both the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1st respondent, learned Standing Counsel appearing for the 2nd respondent as well as the learned Standing Counsel appearing for the 3rd respondent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1st respondent, learned Standing Counsel appearing for the 2nd respondent as well as learned Standing Counsel appearing for the 3rd respondent and perused the entire materials



on record.

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5. The petitioner is the President of Sivaraman Street Residents Welfare Association situated at Old No.20, New No.6, Sivaraman Street, Mandavelli, Chennai. According to the petitioner, the said Sivaraman Street is a residential area and it is a 30 feet road. In the said street, many unauthorised constructions have been put up by encroaching the street and are carrying on business viz., spray painting, fabrication works, welding works, car tinkering, metal fabrication, polishing, stone works, furniture making and flower selling. The street has become narrow and it has become 14 feet and it is very difficult to use the said street freely. The nature of commercial activities carried on by the persons in the said streets viz., car tinkering, welding, metal fabrication are extremely loud and from welding and tinkering done by the persons small particles which comes out due to that activities affected the resident of that street. Further, due to the noise pollution, the residents are affected. The petitioner/association obtained information under the Right to Information Act, 2005 that they are carrying on business without obtaining any licence. The petitioner/association as well as residents made several complaints to the respondents 1 to 3. Since no action has been



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taken, the petitioner has come out with the present writ petition.

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6. Considering the nature of relief sought for in the writ petition, the respondents 2 and 3 are directed to inspect the Sivaraman Street Residents Welfare Association situated at Old No.20, New No.6, Sivaraman Street, Mandavelli, Chennai and if any unauthorised commercial activities are carried on encroaching the street without any licence, take necessary action against the persons including the respondents 4 and 5 as per the provisions of the Act and in accordance with law, after giving due notice to the petitioner, persons who are carrying on business in the said street and the respondents 4 and 5.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

(V.M.V., J) (R.H., J)
23.12.2022

Index : Yes / No
Internet : Yes / No
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and
R.HEMALATHA, J.

dm

To

- 1.The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development,
Secretariat, Chennai – 600 009.
- 2.The Member Secretary,
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