



W.P.No.2187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM:

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

W.P.No.2187 of 2023
and
W.M.P.Nos.2262 and 2264 of 2023

M.Muthumariammal

.. Petitioner

Vs.

- 1.THE COMMISSIONER
Greater Chennai Corporation
Rippon Building
E.V.R. Salai, Chennai – 600 003.
- 2.THE MEMBER SECRETARY
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Thalamuthu Natarajar Maligai
Egmore, Chennai – 600 008.
- 3.S.BHOOBALAMOORTHY
- 4.THE ZONAL EXECUTIVE ENGINEER
Zone-III, Greater Chennai Corporation
No.1, Thattankulam Street, Bazaar Road
Madhavaram, Chennai – 600 060.



W.P.No.2187 of 2023

5.G.DURAIWAMY
30th Ward Member
Zone-III, Greater Chennai Corporation.

6.Mr.SEKAR
Assistant Executive Engineer (Unit – 08)
Zone-III, Greater Chennai Corporation.

7.Mr.RAMESH
Junion Engineer (Division – 030)
Zone-III, Greater Chennai Corporation.

8.THE INSPECTOR OF POLICE
M1-Madhavaram Police Station
Madhavaram, Chennai – 600 110.

.. 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 and 2 to take appropriate action to demolish the illegal/unauthorised construction of 1st and 2nd floor being constructed at No.17, 1st Street, Natesan Nagar, Ponniyammanmedu, Chennai – 600 110 by making an inspection and forthwith to stop the illegal construction and take necessary action against the 3rd Respondent considering the safety of the neighbouring land owners and to take immediate action against the 3rd Respondent, who has totally floated the rules and regulation governing the building and take appropriate measures immediately as sought for in his representation dated 06.11.2022.

For Petitioner : Mr.A.Prakash

For R1 and R4 : Mr.D.B.R.Prabhu
Standing Counsel



W.P.No.2187 of 2023

For R2 : Mr.R.Sivakumar
Standing Counsel (CMDA)

For R8 : Mr.A.Selvendran
Special Government Pleader

ORDER

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

Heard Mr.A.Prakash, learned counsel appearing for the petitioner, Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the respondents 1 and 4, Mr.R.Sivakumar, learned Standing Counsel appearing for the 2nd respondent as well as Mr.A.Selvendran, learned Special Government Pleader appearing for the 8th respondent and perused the entire materials on record.

2. The present writ petition is filed by the petitioner for a direction to the respondents 1 & 2 to take appropriate action to demolish the illegal/unauthorised construction of 1st and 2nd floor being constructed at No.17, 1st street, Natesan nagar, Ponnammanmedu, Chennai-600 110 by making an inspection and forthwith to stop the illegal construction and take necessary action against the 3rd respondent considering the representation dated 06.11.2022.



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3. Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the respondents 1 and 4 submitted that the petitioner has put up unauthorised construction and the Officials of the Corporation has already inspected the property of the petitioner. He further submitted that the construction made by the 3rd respondent is only deviation from the approved plan. On inspection it was found that the 3rd respondent has obtained permission for construction of ground, 1st floor and 2nd floor part. The 3rd respondent after obtaining approval constructed unauthorisedly deviating from approved plan. He further submitted that the Officials of the Corporation issued Lock and Seal and Demolition Notice dated 10.01.2023 to the petitioner and 3rd respondent and the same was served on the petitioner on 20.01.2023. He further submitted that the respondents 1 and 4 will proceed further in pursuant to the Lock and Seal and Demolition Notice dated 10.01.2023.

4. According to the petitioner, 3rd respondent is her neighbour. Both the petitioner and 3rd respondent purchased their property from the same vendor viz., N.Chellappan, S/o.late. Natesan. The 3rd respondent in order to harass the petitioner initiated vexatious suits against the petitioner and the same are pending between the petitioner and 3rd respondent. While so,



W.P.No.2187 of 2023

the petitioner has made various representations to the respondents 1 & 2 and elaborately made averments in the affidavit with regard to pendency of the suits and litigation between the petitioner and 3rd respondent.

5. Considering the rival submission of both learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents 1 and 4 and that both petitioner and third respondent have constructed building in violation of approved plan and without permission, the respondents 1 and 4 are directed to inspect the property of third respondent also after issuing notice to the petitioner and third respondent and proceed in accordance with law.

6. The learned counsel appearing for the petitioner submitted that the respondents 1 and 4 issued notice to the petitioner in view of filing the writ petition and submitted that he will challenge the said notice by filing separate writ petition and seeks some protection.

7. Considering the said submission, the petitioner is permitted to challenge the Lock and Seal and Demolition Notice dated 10.01.2023 within a period of four weeks from the date of receipt of a copy of this



W.P.No.2187 of 2023

order and respondents 1 and 4 are restrained from taking any coercive action against the petitioner for four weeks.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

(V.M.V., J) (R.H., J)
01.02.2023

Index : Yes / No
Neutral Citation : Yes / No
dm



W.P.No.2187 of 2023

To

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W.P.No.2187 of 2023

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W.P.No.2187 of 2023

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