



WEB COPY



W.P.No.4349 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM:

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

W.P.No.4349 of 2023

R.Sarada

.. Petitioner

Vs.

1.Chennai Metropolitan Development Authority
Represented by its Member Secretary
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road, Egmore
Chennai – 600 008.

2.S & P Foundations

Represented by its Director, Thiru Prabhakar
No.27 V (New No.38), Madley Road
T.Nagar, Chennai – 600 017.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to conduct enquiry and dispose of the representation dated 7th December 2022 submitted by her in accordance with law and within the time frame fixed by this Court.

For Petitioner : Mr.K.Sharath Chandran
for Mr.Govind Chandrasekhar

For R1 : Mr.R.Sivakumar
Standing Counsel

ORDER



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

The Writ Petition is filed for a direction to the 1st respondent to conduct enquiry and dispose of the representation dated 01.12.2022 submitted by her in accordance with law and within the time frame fixed by this Court.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.R.Sivakumar, learned Standing Counsel, who takes notice for the 1st respondent, the writ petition is taken up for final disposal at the stage of admission itself.

3. Heard Mr.K.Sharath Chandran, learned counsel appearing for the petitioner as well as Mr.R.Sivakumar, learned Standing Counsel appearing for the 1st respondent and perused the entire materials on record.

4. The learned counsel appearing for the petitioner submitted that the petitioner and her daughter are owners of the land measuring to an extent of 52 cents comprised in S.No.379/2B situated at Ayanambakkam



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Village, Poonamallee Taluk, Thiruvallur District. When they surveyed the land to put up a compound wall they found that the 2nd respondent who is the owner of the adjacent land in S.No.379/2A has encroached the petitioner's land and constructed 3 blocks viz., Blocks 'S', 'T' and 'U' of the apartment complex. The petitioner's property stands on the eastern boundary of the property owned by the 2nd respondent. However, the 2nd respondent has constructed above said three blocks encroaching the petitioner's property after verifying the documents of the 2nd respondent. The petitioner has given a representation dated 07.12.2022 to the 1st respondent to initiate appropriate enquiry proceedings and cancel the approval dated 21.11.2011 granted to the 2nd respondent. Since no action has been taken by the 1st respondent, the petitioner has come out with the present writ petition.

5. Mr.R.Sivakumar, learned Standing Counsel appearing for the 1st respondent submitted that the representation of the petitioner dated 07.12.2022 will be considered and necessary orders will be passed in accordance with law.

6. Considering the above submission of the learned counsel



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appearing for the petitioner and learned Standing Counsel appearing for the 1st respondent, nature of relief sought for in the present writ petition and without deciding the issue on merits, the 1st respondent is directed to consider the representation of the petitioner dated 07.12.2022 and after giving opportunity of hearing to the petitioner as well as 2nd respondent, pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
15.02.2023

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



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To

Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road, Egmore
Chennai – 600 008.



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

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