



WEB COPY



W.P.No.3621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.No.3621 of 2023

and

W.M.P.Nos.3699 & 3700 of 2023

R.Shanmugam

... Petitioner

Vs.

- 1.The Zonal Officer,
Zone 15,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai (OMR Road),
Sholinganallur, Chennai – 600 119.
- 2.The Assistant Executive Engineer,
Zone 15,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai (OMR Road),
Sholinganallur, Chennai – 600 119.
- 3.The Assistant Engineer/Junior Engineer,
Zone 15,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai (OMR Road),
Sholinganallur, Chennai – 600 119.



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4.Dowlath Basha

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to demolish the unauthorized construction made by the 4th respondent contrary to the sanctioned plan without leaving any side setback abutting the house of the petitioner on the western side (i.e., eastern side of the 4th respondent's property) within a reasonable period as may be fixed by this Court.

For Petitioner	:	No appearance
For R1 to R3	:	Mr.D.B.R.Prabhu Standing Counsel for Greater Chennai Corporation

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

The petitioner has filed the above writ petition for issuance of a Writ of Mandamus directing the 1st respondent to demolish the unauthorized construction made by the 4th respondent contrary to the sanctioned plan without leaving any side setback abutting the house of the petitioner on the western side (i.e., eastern side of the 4th respondent's property).



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3. The petitioner has alleged that the 4th respondent has put up some construction in violation of the Building Rules. The further grievance of the petitioner is that the 4th respondent has not given any space, which is required as side setback around the building. Therefore, the petitioner has approached this Court by filing this writ petition.

4. Though it is seen from the affidavit filed in support of the writ petition that the petitioner has issued a legal notice through an Advocate, the petitioner is advised to submit a fresh representation to the respondents, so that they may consider and pass orders and take action after hearing the 4th respondent. Having regard to the limited scope of the prayer in the writ petition and having regard to the facts stated in the affidavit filed in support of the writ petition, without expressing any opinion on the merits of the petitioner's contentions in the writ petition or the legal notice, this Court directs the respondents 1 to 3 to consider the representation of the petitioner,



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if any submitted by the petitioner, afresh, within a period of two weeks from the date of receipt of a copy of this order, and pass appropriate orders after giving sufficient opportunity to the 4th respondent and holding an enquiry, within a period of eight weeks from the date of receipt of representation from the petitioner.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (P.B.B., J.)
09.02.2023

mkn

Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order

To

1. The Zonal Officer,
Zone 15,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai (OMR Road),
Sholinganallur, Chennai – 600 119.



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2.The Assistant Executive Engineer,
Zone 15,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai (OMR Road),
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3.The Assistant Engineer/Junior Engineer,
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S.S. SUNDAR, J.
and
P.B. BALAJI, J.

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