



W.P.No.20154 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 14.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.20154 of 2018

M.Gnanathiraviam

...Petitioner

Versus

1.The District Collector,
District Collector Office,
Rajaji Salai, Chennai – 01.

2.The Commissioner,
Greater Chennai Corporation,
Ribbon Buildings,
Chennai – 03.

3.The Member-Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irvin Road,
Egmore, Chennai – 600 008.

4.The Zonal Officer,
9th Zone, No.1, 4th Cross Street,
Nungambakkam,
Chennai – 34.

Page 1 of 6



W.P.No.20154 of 2018

5.Mr.M.Kathirvel

6.M.Munusamy

7.M.Selvaraj

8.R.Arulnithi

9.R.Senthilkumar

10.R.Vijayakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner representation dated 19.07.2018 and to take appropriate action against the illegal construction put up by the respondents 5 to 10.

For Petitioner : Mr.P.Sesubalan Raja.

For Respondents : Mr.A.Selvendran,
Special Government Pleader for R1.
Mr.C.T.Subramanian for R2 & R4.
Mrs.Veena suresh for R3.
Mr.N.Jothi for R5 to R10.



W.P.No.20154 of 2018

ORDER

[Order of the Court was made by R.MAHADEVAN,J]

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The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 19.07.2018 and to take appropriate action against the illegal construction put up by the respondents 5 to 10.

2. According to the petitioner, the property comprised in R.S.No.3754/91 has been inherited by him from his father, who purchased the same on 19.09.1969 vide a registered sale deed. It is further stated by the petitioner that the property situated on the northern side of his property has been classified as Government Vaikkal Poramboke and the respondents 5 to 10 had attempted to construct a building in the said Government property without leaving any space between the petitioner's property and the new construction. Hence, the petitioner preferred a suit in O.S.No.3488 of 2010 before the XII Assistant City Civil Court, Chennai, seeking declaration of his easementary right and for injunction restraining the defendants from making any construction. However, during the pendency of the suit, the private respondents constructed the building, without obtaining any



W.P.No.20154 of 2018

approval from the competent authorities. As a result of the same, there is no vaikkal (channel) to drain the excess water from the residential area during the rainy season. Pointing out the same, the petitioner made a representation dated 19.07.2018 to the respondent authorities to take appropriate action to remove the illegal construction made by the private respondents. However, till date, no action has been taken on the same. Therefore, this writ petition.

3.The learned counsel for the petitioner submitted that the suit in O.S.No.3488 of 2010 filed by the petitioner, came to be dismissed on 10.01.2018. However, the respondent authorities have not taken any action on the representation of the petitioner dated 19.07.2018 and remove the illegal construction made by the private respondents. Therefore, the learned counsel prayed for appropriate direction to the respondent authorities in this regard.

4.On the other hand, the learned counsel appearing for the respondent authorities fairly submitted that the respondent concerned would consider



W.P.No.20154 of 2018

the petitioner's representation and pass orders on merits, within a time to be stipulated by this Court.

5.Considering the limited relief sought in this writ petition, this Court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 19.07.2018, if not considered earlier and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned within a period of eight (8)weeks from the date of receipt of a copy of this order.

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

(R.M.D.,J) (M.S.Q.,J)
14.02.2023

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Index:Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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W.P.No.20154 of 2018

**R.MAHADEVAN,J
and
MOHAMMED SHAFFIQ,J**

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Copy To

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