



WEB COPY

W.P.No.3300 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.3300 of 2018

K.Jayaraman

.. Petitioner

Vs.

1.The Corporation of Chennai,
Rep. by its Commissioner,
Ripon Buildings, Park Town,
Chennai – 600 003.

2.The Zonal Officer,
Zone XIV, Corporation of Chennai,
No.6/64, Puzuthivakkam Main Road,
Puzuthivakkam,
Chennai – 600 091.

3.R.Sundari

4.Janaki

5.Santhanalakshmi

6.Bhuvaneswari

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the



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respondents 1 & 2 to forbear the respondents 3 to 6 from putting up any unauthorised constructions in Plot No.4, Comprised in survey No.117 & 119, Madipakkam Village, Chennai, earmarked for public purpose during the pendency of the criminal case and a civil suit touching the subject property.

For Petitioner : Mr.M.Balasubramanian

For RR 1 & 2 : Mr.G.T.Subramanian

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 & 2 to forbear the respondents 3 to 6 from putting up any unauthorised constructions in Plot No.4, Comprised in survey No.117 & 119, Madipakkam Village, Chennai, earmarked for public purpose during the pendency of the criminal case and a civil suit touching the subject property.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 & 2 and perused the entire materials on record.



3. According to the petitioner, the Accountant Generals Office Staff Co-operative Building Society formed a layout for their members and sold it to their staffs and to third parties and the petitioner is one of the plot owners in the said layout. In that layout, the 3rd respondent fabricated a bogus residence certificate and executed a settlement deed in favour of her daughter for the land in question, which is earmarked for playground to the public of that locality. Based on the said bogus residence certificate, the 3rd respondent put up temporary construction, obtained electricity connection and executed settlement deed in favour of her three daughters, respondents 4 to 6 herein. The petitioner lodged a complaint against the respondents 3 to 6 before the Madipakkam Police Station on 28.12.2011 and also filed CrI.O.P.No.3516 of 2012 before this Court. This Court, by the order dated 29.02.2012, directed the Inspector of Police, Madipakkam Police Station to register a case and a case in Crime No.1274 of 2012 was registered against the respondents 3 to 6. Thereafter, the petitioner filed CrI.O.P.No.11091 of 2015 to file a final report. The Madipakkam Police Station filed counter stating that the matter is pending. In such circumstance, the respondents 4 to 6 filed suit in O.S.No.495 of 2015 before the District Munsif Court, Alandur, against the petitioner for permanent injunction and the said suit is pending. The



respondents 4 to 6 during November 2017, extended the encroachment and put up unauthorised construction. Hence, on 02.01.2018, the petitioner brought to the notice of the 2nd respondent about the unauthorised construction put up by the respondents 4 to 6 in person. However, till date no order has been passed. Hence, the petitioner has come out with the present Writ Petition.

4.The learned counsel appearing for the respondents 1 & 2 submitted that the officials of the respondents 1 & 2 inspected the site in question and found that the respondents 3 to 6 have put up unauthorized construction and issued notice dated 28.02.2018 to the respondents 3 to 6 to produce the approved plan. Till today, the respondents 3 to 6 have not produced the approved plan.

5.Considering the above submissions made by the learned counsel appearing for the parties, the respondents 1 & 2 are directed to proceed in pursuant to the notice dated 28.02.2018, after giving opportunity to the petitioner as well as respondents 3 to 6 and take action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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

(V.M.V., J) (V.L.N., J)
09.03.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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