



WEB COPY

W.P.No.20288 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.20288 of 2018

and

W.M.P.No.23820 of 2018

E.Guruswami

.. Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maligai,
No.2, Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

2.The Commissioner,
Corporation of Greater Chennai,
Ripon Buildings,
Park Town,
Chennai – 600 003.

3.The Chairman,
Avadi Municipality,
Avadi.

4.Zonal Executive Engineer (Zone – VII),
Thiruvallur High Road,
Opp. Dunlop,
Chennai – 600 053.



5.Thirugnanam,
Proprietor,
Sri Vinayaga Foundation,
No.3, Nathella Sampath Chetty Street,
Prithvipakkam,
Ambattur,
Chennai – 600 053.

.. 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 to 4 to take action against the unauthorized construction put up by the 5th respondent next to the petitioner's property at No.18/7, Stedford Hospital Road, Cholapuram, Ambattur, Chennai – 600 053 and deal with him according to law.

For Petitioner	: Mr.D.Ashok Kumar
For R1	: Ms.P.Veena Suresh Standing Counsel
For RR 2 & 4	: Mr.A.C.Manibharathi Standing Counsel
For RR 3 & 5	: No appearance

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 to 4 to take action against the unauthorized



construction put up by the 5th respondent next to the petitioner's property at No.18/7, Stedford Hospital Road, Cholapuram, Ambattur, Chennai – 600 053 and deal with him according to law.

2. According to petitioner, he is in possession of the house, ground and premises at Door No.18/6, Stedford Hospital Road, Cholapuram, Ambattur, Chennai – 600 053. The 5th respondent is the owner of the petitioner's adjacent property. The 5th respondent has constructed property without leaving any side setback, contrary to the rules and regulations. Hence, the petitioner sent notice to the respondents 1 to 3 & 5. In spite of the notice, the respondents 1 to 3 have not taken any action against the 5th respondent. Hence, the petitioner has come out with the present Writ Petition.

3. The learned Standing Counsel appearing for the respondents 2 & 4 submitted that the 3rd respondent is the authority to take action against the 5th respondent for the unauthorized construction put up by him and prayed for dismissal of the Writ Petition.

4. Though the respondents 3 & 5 have entered appearance through counsel, today when the matter is taken up for hearing, there is no



representation for them.

5. Heard the learned counsel appearing for the parties and perused the entire materials on record.

6. Considering the above submissions made by the learned counsel appearing for the parties, the 3rd respondent is directed to inspect the property in question and if there is any unauthorized construction put up by 5th respondent without leaving any side set back, take appropriate proceedings against the 5th respondent, after issuing notice to the petitioner as well as 5th respondent.

7. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (V.L.N., J)
13.04.2023

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



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