



W.P.No.5402 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P.No.5402 of 2023

P.Ram Bathi Reddy

.. Petitioner

Vs.

1.Secretary to Government
Tamil Nadu Housing and Urban Development
Secretariat, Chennai

2.The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Egmore, Chennai 600 008

3.The Commissioner
Corporation of Chennai
Ripon Building, Chennai 600 003

4.The Assistant Executive Engineer
Corporation of Chennai
Zone IX Division 110
No.4, Lake Area, 4th Cross Street
Chennai 600 034

5.Vinoth

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the Commissioner, Corporation of Chennai to remove the illegal unauthorised construction put up by the 5th respondent at No.11, 6th Cross Lake Area, Nungambakkam, Chennai 600 034.

For Petitioner : Mr.S.Thiruvengadam
For 1st Respondent : Mr.E.Vijay Anand
Additional Government Pleader
For 2nd Respondent : Mr.R.Sivakumar
Standing Counsel
For R3 and R4 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The petitioner has come out with the present writ Petition for a direction to the 3rd respondent to remove the unauthorised construction put up by the 5th respondent at No.11, 6th Cross Lake Area, Nungambakkam, Chennai 600 034.



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2. By consent of the learned counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader, who takes notice for the 1st respondent, Mr.R.Sivakumar, learned Standing Counsel, who takes notice for the 2nd respondent and Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents 3 and 4, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Learned counsel appearing for the petitioner submitted that the petitioner has sent a representation dated 13.12.2022 to the respondents 3 and 4 to take action against the unauthorised construction of the 5th respondent. Even after receipt of the said representation by the respondents 3 and 4, they have not taken any action. Hence, the petitioner has come out with the present writ petition.

4. Learned Standing Counsel appearing for the respondents 3 and 4 submitted that the 4th respondent has already inspected the property of the 5th respondent and on inspection, it has come to the notice of the 4th respondent that the 5th respondent is putting construction, in deviation of



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the approved plan. In such circumstances, the 4th respondent has issued a notice dated 17.02.2022 to lock and seal the 5th respondent's property. He further submitted that the 4th respondent will take appropriate action, in pursuance to the said notice issued to the 5th respondent, within the time limit fixed by this Court.

5. Considering the above submissions and the nature of relief sought for in the present writ petition, the respondents 3 and 4 are directed to consider the representation of the petitioner dated 13.12.2022 and 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, after issuing notice to the petitioner as well as 5th respondent. Further, the 4th respondent is directed to take appropriate action, in pursuant to the notice dated 17.02.2022.

With the above directions, the writ petition is disposed of. No costs.

(V.M.V.,J.) (R.H.,J.)
24.02.2023

Internet : Yes / No
Neutral citation : Yes/No
gya



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WEB COPY To

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