



WEB COPY



W.P.No.8114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.8114 of 2023

Karunakara Pandian

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by the Principal Secretary,
Department of Housing & Urban Development,
Secretariat, Chennai 600 005.

2. The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House No.01,
Gandhi Irwin Rd,, Ansari Estate,
Egmore, Chennai 600 008.

3. The Enforcement Officer,
The Enforcement cell, CMDA,
Thalamuthu Natarajan House No.01,
Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai 600 008.

4. The Secretary, Madura Garden Flats Association,
No.491/15, Poonamallee High Road,
Maduravoyal, Chennai 600 095.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 to 3 to take necessary actions and dispose the written representation dated 14.08.2020 seeking demolition of the unapproved construction, within a period, as fixed by this Court.

For petitioner : Mr.B.Vasanthan

For Respondents : Mr.R.L.Karthika,
Government Advocate for R1

Mr.R.Sivakumar,
Standing Counsel for R2 and Re

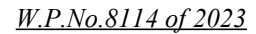
ORDER

(Order of this Court was delivered by D.KRISHNAKUMAR, J.)

This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents 1 to 3 to take necessary actions and dispose the written representation dated 14.08.2020 seeking demolition of the unapproved construction, within a period, as fixed by this Court.

2. The case of the petitioner in brief:

The petitioner purchased a flat from one M/s Shri Krishna Builders, vide sale deed dated 31.05.2018 and he was a owner of 1125 sq.ft. flat



3. Mrs.R.L.Karthik, learned Government Advocate takes notice for first respondent.



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4. Mr.R.Sivakumar learned Standing Counsel takes notice for the second and third respondents and submitted that the representation of the petitioner dated 14.08.2020 would be considered and appropriate action would be taken, after providing opportunities to both the parties.

5. Considering the limited scope of prayer and also taking to account submission of the learned Standing counsel appearing for the respondents 2 and 3, without expressing any opinion on merits, we inclined to dispose the writ petition with the following direction.

i) The second respondent is directed to consider the representation of the petitioner dated 14.08.2020 and pass order on its own merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this court, after providing opportunities to both the parties.



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6. With the above direction, this writ petition is disposed of . No costs.

(D.K.K.J.)

(K.G.T.J.)

16.03.2023

Index : Yes/No
Internet : Yes/No
mst

To

1. The Principal Secretary, State of Tamilnadu,
Department of Housing & Urban Development,
Secretariat, Chennai 600 005.
2. The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House No.01,
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K.GOVINDARAJAN THILAKAVADI, J.

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