



WEB COPY



W.P.No.8797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.8797 of 2023
and W.M.P.No.8974 of 2023

P.Venkatesan

.. Petitioner

Vs.

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Park Town, Chennai-600 003.

2. The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai-600 002.

3. The Managing Director
CMWSS Board, Chintadripet
Chennai-600 002.

4. D.Ramamurthy

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 1st respondent to demolish the entire unauthorised and illegal construction of plot No.63, Ganesh Avenue, Sakthi Nagar, Panchavaktra Flats, Porur, Chennai-600 116 within the stipulated period.



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For Petitioner : Mr.G. Appavu
For R1 : Mr.D.B.R.Prabhu
Standing Counsel
For R2 : Mr.L.Jaivenkatesh
Standing Counsel for TNEB

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 1st respondent to demolish the entire unauthorised and illegal construction of plot No.63, Ganesh Avenue, Sakthi Nagar, Panchavaktra Flats, Porur, Chennai-600 116 within the stipulated period.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the 1st respondent and Mr.L.Jaivenkatesh, learned Standing Counsel for TNEB, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents 1 & 2 and perused the entire materials on record.



4. According to the petitioner, he purchased plot No.63, Ganesh Avenue, Sakthi Nagar, Panchavaktra Flats, Porur, Chennai-600 116 and constructed compound wall & small room and he is in absolute possession of the property. The brother of petitioner without his knowledge executed a settlement deed in favour of his wife fraudulently and who in turn, sold the same to one Ramamurthy, the 4th respondent herein. The 4th respondent started construction of flats and entered into an agreement with several persons. In this regard, the petitioner has lodged a complaint in the year 2008 and filed suit in O.S.No.5317 of 2011 against his brother for declaration, which was dismissed and the appeal filed by the petitioner challenging the said judgment and decree was allowed. Despite the legal notice issued by the petitioner to the 4th respondent and others who had purchased the flats intimating the pendency of the litigations between the petitioner and his brother, the 4th respondent has made unauthorised construction in the property without any approval. The petitioner has sent a representation to the respondents 1 & 2 on 15.02.2023 for demolition of the unauthorised construction. Since no action has been taken by the respondents 1 & 2, the petitioner has come out with the present Writ Petition for the above stated relief.



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5. Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the 1st respondent submitted that the Officials of the 1st respondent inspected the property and issued stop work notice on 06.03.2023 and will proceed to take further action.

6. Considering the above submissions and nature of relief sought for in the present Writ Petition, the 1st respondent is directed to take further action following the stop work notice dated 06.03.2023 within a period of eight weeks from the date of receipt of a copy of this order and file a status report before this Court.

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

Post this matter **“For reporting compliance” in the First week of June 2023.**

(V.M.V., J) (V.L.N., J)
21.03.2023

Index : Yes / No
Neutral Citation : Yes / No

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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

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