



WEB COPY

W.P.No. 8298 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **17.03.2023**

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI**

W.P.No. 8298 of 2023

C. Vidya

Vs.

... Petitioner

1. The Commissioner,
Corporation of Chennai,
Rippon Building, E.V.R. Salai,
Chennai – 3.
2. The member Secretary,
Chennai Metropolitan Development Authority,
No. 1, Gandhi Irwin Road,
Thalamuthu Natarajar Maligai,
Egmore, Chennai – 8.
3. Zonal Executive Engineer, Zone -XIV, GCC,
No. 6/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai – 600091.
4. D. Meenakshi
5. D. Vinodh Kumar

... Respondents



W.P.No. 8298 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate action to demolish the illegal/unauthorized construction of a flat unit in the car parking area made by the 4th and 5th respondent in the apartment building called " Siruvapuri Anand Constructions Apartment" situated at the back side of the property in Sy.no: 74/35 bearing plot no:1422, 1st Street, Ram Nagar North Extension, Madipakkam, Chennai by making an inspection as sought for in the representation of the petitioner dated 11.08.2022 and take necessary actions against the 4th and 5th respondent herein.

For Petitioner : Mr. D. Arun

For Respondents : Mr. D.B.R. Prabha
Standing Counsel
for R1 and R3
Mr. R. Sivakumar
Standing Counsel (CMDA)
for R2

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The writ petitioner has made a representation to the respondents on 11.08.2022 and the reminder dated 21.11.2022 seeking for removal of illegal construction and request for taking immediate action.

2. Despite the said representation, the respondents have not chosen to take any action. Thus, the petitioner has approached this Court by filing the instant writ petition before this Court.

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3. According to the petitioner, the fourth respondent is the owner of flat unit in the apartment called Siruvapuri Anand Constructions Apartment and has made an unauthorized construction of a pucca single bed room flat in the earmarked area for car parking.

4. Mr. D.B.R. Prabha, learned Standing Counsel, takes notice for the respondents 1 and 2 and states that such representation will be considered and appropriate orders will be passed within a stipulate time.

5. Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the merits of the case, this Court is inclined to direct the third respondent to consider the representation dated 11.08.2022 on its own merits and in accordance with law, after providing opportunity to the private respondents 4 and 5. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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

(D.K.K., J.) (K.G.T., J.)

17.03.2023

Intex : Yes/No
Internet : Yes/No
mrn

To

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D.KRISHNAKUMAR, J.
and
K.GOVINDARAJAN THILAKAVADI, J.
(mrn)

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