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W.P.No.13478 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.13478 of 2021

M.Anitha

... Petitioner

Vs.

1. The Commissioner, Corporation of Chennai,
Rippon Building, Chennai 600003.

2. Kalyanasundram

3. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai 600 008.
(R3 suo-motu impleaded, vide order dated 30.06.2021
made in W.P.No.13478/2021)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the representation dated 05.11.2020 and dispose the same within the specific period prescribed by this Court.



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For Petitioner : No appearance

For Respondents : Mr.D.B.R.Prabhu, Standing Counsel for R1

Mr.V.Mani Sekaran for R2

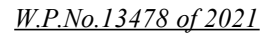
Mrs.P.Veena Suresh, Standing Counsel for R3

ORDER

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

This writ petition has been filed to direct the respondent concerned to consider the representation dated 05.11.2020 and dispose the same within the specific period prescribed by this Court.

2. The petitioner is owner of flat No.U-1, Sri Mahalakshmi Enclave, First floor, Gandhi Road, Choolaimedu, Chennai 600 094 and in the above said building complex, the basement has been allotted for car parking. The second respondent, who purchased the second floor, has constructed an office room in the car parking area, violating the approved plan. Hence, the petitioner has made a representation dated 05.11.2020 to the respondent concerned to take action. But, so far, no action has been taken. Hence the writ petition.



follows.

noted as follows.

<i>Sl. No</i>	<i>Description</i>	<i>As per plan in Sq.m.</i>	<i>As per site in Sq.m.</i>	<i>Deviated/ Unauthorized in Sq.m</i>
1	Setback (left side)	1.52	1.05	0.47 (deviated)
2	Setback (right side)	1.52	1.05	0.47 (deviated)
3	Rear setback	3.05	2.2 + 3.4) average 2.8	0.25 (deviated)
4	Front Setback	1.52	1.52	Nil
5	Basement	59.57	34.12	Change of usage (lumber room is converted into office room, E.B. room converted into car parking (deviated)
6	Splay area	1.5 x 1.5	nil	Deviated

the date of receipt of a copy of this order, after providing opportunities to the



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petitioner as well as the second respondent.

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

(D.K.K.J.) (P.D.B.J.)

16.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

1. The Commissioner, Corporation of Chennai,
Rippon Building, Chennai 600003.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai 600 008.



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D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

mst

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