



WEB COPY



W.P.No.13003 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI
AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.13003 of 2023

Chesney West Apartment Owners Association
Rep. by its Hon. Secretary
Noorul Ameen
No.16, Ethiraj Salai
Egmore, Chennai 600 008

.. Petitioner

Vs.

1.The Secretary
Housing and Urban Development Department
Secretariat, Fort St. George
Chennai 600 009

2.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

3.The Commissioner
Corporation of Chennai
Ripon Building, Chennai

4.S.Muthumeena

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 3rd respondent to consider the representation of the petitioner association dated 01.03.2023 and consequently inspect the Chesney West Apartment situated in 6 grounds and 1600 sq.ft. comprised in R.S.No.1632/6



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and R.S.NO.1632/4 (part), No.16, Ethiraj Salai, Egmore, Chennai 600 008 and take action in accordance with law against the illegal construction made by the 4th respondent and to direct the 4th respondent not to utilise the private parking space of the condominium.

For Petitioner : Mr.P.J.George
For R2 : Mr.R.Sivakumar
Standing Counsel
For R3 : 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 respondent to take action against the 4th respondent for the illegal construction made by him in Chesney West Apartment, No.16, Ethiraj Salai, Egmore, Chennai 600 008 and for a direction to the 4th respondent not to utilise the private parking space.

2. By consent of both the learned counsel appearing for the petitioner as well as 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 3rd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3. According to the petitioner, the petitioner and the 4th respondent are residing in the same apartment viz., Chesney West Apartment and they were allotted separate car parking. However, the 4th respondent is trespassing by using the private parking area and also unauthorisedly put up an additional floor. Hence, the petitioner sent a representation to the 3rd respondent on 01.03.2023 to take necessary action against the 4th respondent. Since no action has been taken by the 3rd respondent, the petitioner has come out with the present petition.

4. Considering the nature of relief sought for in the present writ petition, the 3rd respondent is directed to inspect the building in question within a period of two weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as the 4th respondent and if found any unauthorised construction has been put up by the 4th respondent, the 3rd respondent is directed to take appropriate action against the 4th respondent as per the provisions and in accordance with law, within a period of four weeks thereafter.

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

(V.M.V.,J.) (V.L.N.,J.)
27.04.2023

Index : Yes/No
Neutral citation : Yes/No
gya



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V.M.VELUMANI, J.
AND
V.LAKSHMINARAYANAN, J.

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To
1.The Secretary
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