



W.P.No.14261 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.14261 of 2022
and W.M.P.No.13508 of 2022

R.Shanmugasundaram

... Petitioner

Vs.

1) The Greater Chennai Corporation,
Rep. By its Commissioner,
Rippon Building,
Chennai 600 003

2) The Zonal Officer,
Greater Chennai Corporation,
Zone X, 11/2, Dr.Ambedkar Road,
Corporation Colony,
Kodambakkam, Chennai 600 024

3) The Executive Engineer,
Greater Chennai Corporation,
Zone X, 11/2, Dr.Ambedkar Road,
Corporation Colony,
Kodambakkam, Chennai 600 024



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4) The Assistant Executive Engineer,
Greater Chennai Corporation,
Division 134, Zone X,
Thambiah Reddy Street,
West Mambalam, Chennai 600 033

5) The Assistant Engineer,
Greater Chennai Corporation,
Division 134, Zone X,
Thambiah Reddy Street,
West Mambalam, Chennai 600 033

6) R.Balasundaram

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action on the illegal/unauthorised construction made by the 6th respondent on the property bearing Door No.131, Ellaiyamman Kovil Street, West Mambalam, Chennai 600 033 under the provisions of the Tamil Nadu Town and Country Planning Act and the Rules, Regulations made thereunder.

For Petitioner : Mr.S.Thirumavalavan

For RR-1 to 5 : Mr.D.B.R.Prabhu,
Standing Counsel

For R-6 : Mr.C.Vigneswaran



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ORDER

(Order of this Court made by **J.NISHA BANU, J.,**)

Seeking for a direction to the respondents 1 to 5 to take appropriate action against the illegal/unauthorised construction made by the 6th respondent in the property bearing Door No.131, Ellaiyamman Kovil Street, West Mambalam, Chennai 600 033, the present writ petition has been filed.

2. The property, bearing old door no.73, new door no.131 of Ellaiyamman Koil Street, West Mambalam, Chennai 600 033, originally belonged to the petitioner's grandfather late Murugesu Naicker. After his demise, his son, i.e. the petitioner's father viz. late M.Ramachandran derived the title over the said property and developed the building in the rear side of it and retained the front portion of the same as vacant land. After his death, the petitioner, the sixth respondent/ brother of the petitioner, along with his mother and his sister became the legal heirs and were in enjoyment of the subject property.



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3. The main contention raised by the learned counsel for the petitioner is that the sixth respondent has attempted to put up a construction by excavating the land in the vacant portion of the subject property. When the petitioner intimated the same to the police, the sixth respondent had stopped the excavation works. Even though the police directed the sixth respondent to close the pits immediately, the sixth respondent failed to do the same. Aggrieved over the same, the petitioner lodged a complaint against the sixth respondent in R-6 Kumaran Nagar Police Station on 27.02.2022. Since no action was taken by the respondent Police, the petitioner along with his sister, made a detailed representation dated 11.03.2022 to the first respondent, the Joint Commissioner and the Chief Minister's Special Cell for taking appropriate action on the illegal/ unauthorised construction work.

4. Subsequently, Stop Work Notice, dated 14.03.2022 came to be issued by the respondent Corporation. Even though the sixth respondent initially ceased the construction work after issuance of the above said notice, later, he resumed the illegal/unauthorised construction of the subject property. Therefore, the petitioner alerted the fifth respondent regarding the



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same, the fifth respondent, instead of taking further action on the illegal/unauthorised construction, had directed the petitioner to appear for compromising the issue with the 6th respondent. Refusing to compromise on the issue, the petitioner as well as his sister once again approached the Sub Inspector of Police, R-6 Kumaran Nagar Police Station to file a complaint but the Sub Inspector of Police refused to entertain the complaint. Therefore, the petitioner submitted a detailed representation to the respondents along with his sister on 24.05.2022 through Speed Post with acknowledgement receipt. Since no action has been taken till date, the petitioner has approached this Court by way of filing the writ petition.

5. Mr.D.B.R.Prabu, learned Standing counsel for the respondents 1 to 5 would submit that the subject property has already been sealed and the respondent Corporation shall take further action in this regard.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials placed before this Court.



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7. This Court, upon considering the submissions made by the learned counsel appearing on either sides, is of the considered opinion that the respondent Corporation is directed to take appropriate action in the manner known to law within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
29.08.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To:

- 1) The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003
- 2) The Zonal Officer,
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- 3) The Executive Engineer,
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J.NISHA BANU, J.,
and
N.MALA, J.,

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Dated:
29.08.2023