



WEB COPY



W.P.No.14382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.14382 of 2023

M.Saravana Kumar

.... Petitioner

Vs

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

2.The Executive Engineer,
Zone-VI, Greater Chennai Corporation,
pattalam, Chennai 600 023.

3.The Assistant Engineer,
Division No.67, Unit No.15,
Zone-VI, Greater Chennai Corporation,
Pattalam, Chennai 600 023.

4.A.Latha

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the second respondent to
dispose of the representation of the petitioner dated 05.04.2023.

For Petitioner : Mr.C.K.Chandrasekar
for Mr.Durai Kannan

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel
-for R1 to R3



W.P.No.14382 of 2023

ORDER

A.D.JAGADISH CHANDIRA, J.

AND

C.SARAVANAN, J.

The petitioner is a tenant occupying a building which was constructed in deviation of the Building Control Rules. It is seen that the owner of the building filed a Writ Petition before this Court in W.P.No.6932 of 2023 and the same came to be disposed of vide order dated 06.03.2023 with the following observations:

"7. The petitioner has admitted that her building is constructed in deviation from the approved plan and there is some deviation in the construction. It is seen from the records that all the appeal and revision filed by the petitioner were rejected. Now the application filed by the petitioner under Section 113C of the Act 1971 is pending before the Government. In W.P.No.23889 of 2017 etc., batch, the Hon'ble First Bench of this Court has directed the planning authorities to receive the applications filed under Section 113C of the Act 1971, process it, but not to pass final orders, pending disposal of the constitutional validity of G.O.(Ms).No.110, Housing and Urban Development [UD4(3)] Department, dated 22.06.2017. In view of the Writ Petitions challenging the G.O.(Ms).No.110, Housing and Urban Development [UD4(3)] Department, dated 22.06.2017 are pending before the Hon'ble First Bench of this Court, the 4th respondent/CMDA is directed to process the application filed by the petitioner and not to pass final order till the disposal of the Writ Petitions pending before the Hon'ble First Bench



W.P.No.14382 of 2023

WEB COPY

of this Court. Till such time, the respondents are restrained from taking any coercive action against the petitioner's building."

2. The petitioner is one of the tenants of the said building and the shop occupied by him has been sealed. In this regard, the petitioner made a representation dated 05.04.2023 with a request to access the shop so as to enable him to avail the benefit of the order passed by this Court on 06.03.2023.

3. We are inclined to dispose of the Writ Petition by directing the respondents to consider the petitioner's representation dated 05.04.2023 and desal the shop occupied by the petitioner in terms of the previous order of this Court. No Costs.

(A.D.J.C., J.) (C.S.N.,J.)
04.05.2023

Index : Yes/No
Internet : Yes/No
Anu



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A.D.JAGADISH CHANDIRA, J.
AND
C.SARAVANAN, J.

Anu

Copy to:

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