



W.P.No.23263 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.No.23263 of 2019
and
W.M.P.No.22981 of 2019
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Arulmighu Thiruvalléeswarar Thirukoil,
Rep. by its Executive Officer,
Padi, Chennai-600 050.

.. Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
2. The Assistant Engineer,
Zone VII,
Corporation of Chennai,
Ambattur, Chennai-600 053.
3. Mallika
4. Sasikala

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to take action based on the representation dated 27.03.2019 in respect of the unauthorised construction by the fourth respondent on land measuring 1100 Sq.Ft. comprised in Survey No.295, bearing Door No.133, Jawahar Street, Devar

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Nagar, Padi, Chennai-600 050.

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For petitioner : Mr.P.Wilson, Senior Counsel for M/s.A.S.Kailasam Associates

For respondents : Mrs.P.T.Ramadevi, Standing Counsel for RR-1 and 2

No appearance for RR-3 and 4

ORDER

(The Order of the Court was made by D.Krishnakumar)

The petitioner-Temple has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to take action based on the representation dated 27.03.2019 in respect of the unauthorised construction by the fourth respondent on the land measuring 1100 Sq.Ft., comprised in Survey No.295, bearing Door No.133, Jawahar Street, Devar Nagar, Padi, Chennai-600 050.

2. The concerned Assistant Engineer of the Corporation of Chennai is present in Court. On instructions, the learned Standing Counsel appearing for the respondents 1 and 2/Corporation of Chennai, informs this Court that the third and fourth respondents have not proceeded with the construction of the building in the property in question.

3. Learned Senior Counsel appearing for the petitioner endorses the

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above submission stating that no further construction is made by the respondents 3 and 4 in the said building, and the said construction has now been abandoned and he seeks to direct the respondents 1 and 2 and their officials to take necessary action for removal of the unauthorised construction.

4. Though notice has been served on the respondents 3 and 4, none appears for them.

5. Therefore, we direct the respondents 1 and 2 / Corporation of Chennai / its concerned officials, to take necessary action for removal of the unauthorised construction in the property in question, after giving an opportunity of hearing to the petitioner-Temple through its Executive Officer, respondents 3 and 4 and any person aggrieved, if any, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above observations/directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

(D.K.K., J) (P.D.B.,J)
21.06.2023

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Zone VII,
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Ambattur, Chennai-600 053.

D.KRISHNAKUMAR, J

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and

P.DHANABAL, J

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