



W.P.No.17358 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.17358 of 2023

Mr.S.P.Sankarkumar

... Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
EVR Periyar Salai,
Chennai-3.

3.The Zonal Officer,
Zone 15,
Chennai Corporation,
Sholinganallur,
Chennai-600 119.

4.Somasundaram

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to forthwith take action against the unauthorised constructions put up in Old S.No.674/1, New S.No.839/5, Sholinganallur village and taluk, Chengalpet District, and demolish the illegal structures put up by the fourth respondent or his men or agents or anyone claiming under him.

For Petitioner	: Mr.P.Srinivas
For Respondents	: Mr.R.Sivakumar
	Standing counsel for CMBA
	for first respondent
	Mr.D.B.R.Prabhu
	Standing Counsel for Corporation
	for respondents 1 and 3

ORDER

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

The writ petition has been filed for a mandamus, directing the respondents 1 to 3 to forthwith take action against the unauthorised constructions put up in Old S.No.674/1, New S.No.839/5, Sholinganallur Village and Taluk, Chengalpet District, and demolish the illegal structures put up by the fourth respondent or his men or agents or anyone claiming under him.

2. According to the petitioner, the petitioner is the owner of the property in Old S.No.674/1, New S.No.839/5, Sholinganallur Village and Taluk Chengalpet District. The fourth respondent, who is adjacent



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owner of the petitioner, and holding a large extent of land, by manipulating the records, included his name in the revenue records along with petitioner's name and subsequently, by illegal means, he caused petitioner's name to be deleted from the revenue records and he obtained a patta in his name without any notice to the petitioner. Therefore, the petitioner has made representation dated 19.05.2023, before the respondents 2 and 3 and the same is still pending. While so, the fourth respondent has commenced construction in the aforementioned property. Hence, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submitted that the fourth respondent has commenced construction, without getting any approval from the appropriate competent authority. Therefore, the said construction is unauthorized and illegal and necessary action has to be taken by the respondents. The petitioner also made an objection on 02.05.2023 to the Corporation to take necessary action for eviction and demolition of the building being constructed in the schedule mentioned property without approval from the Corporation office.



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4. Mr.Sivakumar, learned Standing Counsel, takes notice for first respondent and Mr.D.B.r.Prabhu, learned Standing Counsel takes notice for the Corporation.

5. Learned counsel for the petitioner also made a request that it would be suffice to direct the third respondent to consider the petitioner's representation dated 19.05.2023 and take appropriate action for the illegal construction in the said property in question.

6. This Court, on a perusal of the entire averments made in the affidavit, has come to a conclusion that, we will not going into the dispute with regard to the title of the property and we are only considering the case of the petitioner with regard to commencement of illegal construction by the fourth respondent in the aforementioned property without getting any approval from the appropriate competent authority. That being so, considering the submissions of the learned counsel for the petitioner as well as learned standing counsel for the respondents, we are inclined to pass order as follows:

i) The respondent corporation is directed to consider the petitioner's representation dated 19.05.2023 on its own merits and in



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accordance with law, after providing an opportunity to the petitioner as well as to the fourth respondent or if any aggrieved persons.

ii) The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

iii) It is needless to say that the petitioner shall send copy of the said representation dated 19.05.2023, along with a copy of this order, addressed to the third respondent.

7. With the above direction, the writ petition stands disposed of. We make it clear, in view of the aforesaid directions passed by this Court, if there is any illegal construction, the said request made by the petitioner will be considered by the authority concerned. No costs. Consequently, WMP No.16505 of 2023, is closed.

[D.K.K., J.] [P.D.B., J.]
12.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.

mrn

To

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
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