



W.P.No.18982 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.18982 of 2020
and WMP.Nos.23536 and 23539 of 2020

1.S.Ravindran Subramaniam
2.Annapurani Subramanian
3.S.Krishnaveni
4.Ilyas Hussain
5.V.N.Lakshmanan
6.S.Guruprasad

.... Petitioners

vs.

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

2.The Assistant Engineer,
Corporation of Chennai,
Teynampet Zone,
Chennai.

3.Mr.R.N.Krishna

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider and dispose petitioners' representation dated 29.10.2020 and remove the



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unauthorised construction at the property of the 3rd respondent at No.5, 1st main Road, Nandanam Extension, Nandanam, Chennai 600 035.

For Petitioners : Mr.S.Parthi
For RR 1 & 2 : Mr.E.C.Ramesh, Standing Counsel
For RR3 : Mr.N.V.V.Krishna

ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the 2nd respondent to consider and dispose petitioners' representation dated 29.10.2020 and remove the unauthorised construction put up by the 3rd respondent.

2. (i) The case of the petitioners is that they are residents of the Bajaj Apartments, situated at the 1st Main Road, Nandanam Extension, Chennai and the said apartment consists of 85 residential flats constructed over 21 grounds of land, after obtaining due approval and permit from the appropriate authorities.

(ii) The 3rd respondent, neighbour, who owns large extent of property, constructed a School under the name and style of Boston School, after obtaining necessary license/permit. The petitioners raised a compound wall of about 5-6' height on the eastern side of their property.



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(iii) When the 3rd respondent started developing the property for building a school, without the petitioners' prior permission, the ground level of his property was raised considerably, almost in level with the petitioners' compound wall. After the school ceased to operate, the 3rd respondent started letting out the same for private functions including marriages, without availing due permission from the official respondents herein.

3. All of a sudden, on 29.10.2020, the compound wall put by the 3rd respondent, was collapsed by pulling down a portion of the earlier existing compound wall of the petitioners and the debris fell into the petitioners' property, damaging several cars. Aggrieved by the negligent act of the 3rd respondent, the petitioners' lodged a complaint with the 2nd respondent dated 29.10.2020, as well as the Inspector of Police. The 2nd respondent has not taken any action against the 3rd respondent for his illegal action. Hence, the petitioners' have preferred a petition to the Commissioner of Corporation Chennai. But no response is forthcoming on the said representation of the petitioners'. Therefore, the petitioners are constrained to approach this Court by filing this writ petition.



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4. Though very many grounds have been raised, the learned counsel appearing for the petitioners submitted that it would be suffice if this Court issues direction to the 2nd respondent to consider the representation of the petitioners', dated 29.10.2020 and to pass appropriate orders.

5. The learned Standing Counsel appearing for respondents 1 and 2- Corporation would submit that the representation of the petitioners' will be considered within a stipulated time frame as fixed by this Court, in the manner known to law.

6. The learned counsel appearing for the 3rd respondent submitted that this Court may permit the 3rd respondent to conduct the private functions, which were already booked, till 31.12.2023 and he also undertakes that the 3rd respondent will not conduct any functions, after 31.12.2023, without obtaining necessary permissions from the authorities concerned.

7. Heard the submission of the learned counsel for the petitioner, learned Standing Counsel appearing for the respondents 1 and 2 and the learned counsel for the 3rd respondent and also perused the materials available on record.



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8. Considering the submission made by the learned counsel appearing for the parties, this Court without going into the merits of the case, issues direction to the 2nd respondent to consider the representation of the petitioners' dated 29.10.2020 on merits and in accordance with law, after affording opportunity to the persons concerned and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

9. Considering the submission of the learned counsel for the the 3rd respondent, this Court permits the 3rd respondent to conduct private functions, which were already fixed, till 31.12.2023 and thereafter, he shall not conduct any function without obtaining necessary permission from the authorities concerned.

10. This Writ Petition stands disposed of with the above observations.
No costs. Consequently connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)
15.12.2023

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Index : Yes / No

Internet : Yes / No



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J. NISHA BANU, J.
and
N.MALA, J.

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To

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