



W.P.No.24785 of 2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE P.DHANABAL**

**W.P.No.24785 of 2019
and WMP.No.24422 of 2019
and WMP.No.23119 of 2020**

M.R.David

... Petitioner

Vs.

- 1.The Commissioner of Corporation,
Greater Chennai Corporation,
Rippon Building,
Chennai.
- 2.The Chairman,.
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai.
- 3.The Chief Engineer (Building),
CMDA Authorities,
Thalamuthu Natarajan Maaligai,
Chennai.



W.P.No.24785 of 2019

4.The Divisional Engineer,
Division 10, Greater Chennai Corporation,
Corporation Office, Kodambakkam,
Chennai.

5.Joseph

6.Moorthi.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondents to take action against the 5th and 6th respondent herein, forbearing them from constructing the overhead water tank in the terrace of the building namely 'Manju Flats' situated at No.35/16, Parangusapuram Street, Kodambakkam, Chennai without obtaining the stability certificate.

For Petitioners : M/s.S.Kingston Jerold
For Respondents : Mr.E.C.Ramesh,
Standing Counsel for R1 and R4

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The writ petition has been filed for a Mandamus directing the respondents to take action against the 5th and 6th respondent herein, forbearing them from constructing the overhead water tank in the terrace of the building namely 'Manju Flats' situated at No.35/16, Parangusapuram Street, Kodambakkam, Chennai without obtaining the stability certificate.



W.P.No.24785 of 2019

WEB COPY

2. According to the petitioner, he is residing in an apartment at Manju Flats, No.35/16, Paransusapuram Street, Kodambakkam, and the said flats was constructed in the year 1984 and the said building is 35 years old and the stability of the building has lost. It is further alleged by the petitioner that due to lack of proper maintenance, water tanks and ceilings got severely damaged and without verifying the stability of the building, the respondents 5 and 6 are attempting to construct the overhead tank and in this regard, the petitioner has given a complaint to the respondents 1 to 4 and however, no action has been taken against the respondents and therefore, he has filed the instant writ petition.

3. A perusal of the averments made in the affidavit filed in support of the writ petition reveals that the dispute is purely a property dispute. Therefore, it is open to the petitioner to seek his remedy before the authorities concerned for redressal of his grievance for construction of overhead tank by the respondents 5 and 6 without stability certificate and if any such representation is submitted, the same shall be considered by the authorities / respondents 1 to 4 in accordance with law.



WEB COPY



W.P.No.24785 of 2019

D.KRISHNAKUMAR, J.

and
P.DHANABAL, J.

Jvm

4. The Writ Petition stands disposed of with the above liberty. No costs.
Consequently connected miscellaneous petitions are closed.

(D.K.K., J.) (P.D.B., J.)
06.06.2023

Intex : Yes/No
Internet : Yes/No
Jvm

To

- 1.The Commissioner of Corporation,
Greater Chennai Corporation, Rippon Building, Chennai.
- 2.The Chairman,.
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai, Egmore, Chennai.
- 3.The Chief Engineer (Building),
CMDA Authorities, Thalamuthu Natarajan Maaligai, Chennai.
- 4.The Divisional Engineer,
Division 10, Greater Chennai Corporation, Corporation Office,
Kodambakkam, Chennai.

W.P.No.24785 of 2019