



WEB COPY



W.P.No.25024 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

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

W.P.No.25024 of 2023

N.Rani

.... Petitioner

vs

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

2. The Zonal Officer,
Zonal Office,
Corporation of Chennai,
Ambattur,
Chennai - 600 053.

3. K.Gunasekar

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus to direct the 1st and 2nd respondents to take
appropriate action to demolish the unauthorised construction put up by the
3rd respondent in T.S.No.161, Old Survey No.122, Door No.1/52 Bhajanai



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Koil Street, Thathankuppam, Korattur, Chennai - 600 049 taking into consideration of petitioner's representation dated 08.07.2023.

For Petitioner : Mr.B.Srikrishnan

For Respondents : Mr.D.B.R.Prabhu,
Standing Counsel for
Corporation/R1 & R2
Mr.G.Ilamugugu for R3

ORDER

(The Order of the court was made by J.Nisha Banu,J.)

The present Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st and 2nd respondents to take appropriate action to demolish the unauthorised construction put up by the 3rd respondent in T.S.No.161, Old Survey No.122, Door No.1/52 Bhajanai Koil Street, Thathankuppam, Korattur, Chennai - 600 049 taking into consideration of petitioner's representation dated 08.07.2023.

2. The case of the petitioner is that she is one of the owners of the property situated at T.S.No.161 Old Survey No.122, Door No.1/52, Bhajanai Koil Street, Thathankuppam, Korattur, Chennai-600 049. There are totally 4 owners for the property as the property being owned among family members. The property devolved to her father Late Mr.Kannan by way of Partition Koorchit dated 29.04.1970. Right from the date of



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partition, her father was absolutely enjoying the said property and other properties in Old Survey No.122, Korattur village. The 4 legal heirs of Late Mr.Kannan were allotted with property measuring 3999 sq.ft by her father. At present, without informing the petitioner and 2 other legal heirs, the 3rd respondent herein, who is also the co-owner of the property, started to put up illegal construction and trying to grab the entire property. Therefore, the petitioner made representation dated 08.07.2023 before the 1st and 2nd respondents to take necessary action for demolition of the unauthorised construction put up by the 3rd respondent. Since no action was taken by the 1st and 2nd respondents, the present writ petition seeking the aforesaid relief.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. Admittedly, the building in question is an unauthorised construction and the 1st and 2nd respondents have also initiated proceedings against the 3rd respondent for illegal and unauthorised construction. Therefore, we are of the opinion that it would be suffice to direct the respondents to conclude the proceedings within a time frame. Accordingly, the 1st and 2nd respondents are directed to conclude the



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proceedings initiated as against the 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of No costs.

(J.N.B.,J.) (N.M.,J.)
21.09.2023

Index: Yes/No
Speaking/Non-speaking order
vsi

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
2. The Zonal Officer,
Zonal Office,
Corporation of Chennai,
Ambattur,
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J.NISHA BANU,J.
and
N.MALA,J.

vsi

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