



W.P.No.31411 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM

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

W.P.No.31411 of 2023

M.Mohammed Ibrahim

.... Petitioner

vs.

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

2.The Assistant Revenue Officer (Zone 4),
Greater Chennai Corporation,
No.266, Thiruvottriyur High Road,
Korukkupet, Old Washermenpet,
Chennai 600 021.

3.Mohammed Babbin

4.Syed Kani

5.Abdul Kasim

6.Abdul Khader

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 herein to consider petitioner's representation dated 09.10.2023 to take appropriate action against the unauthorised construction put up by the 3rd to 6th respondents within a time frame as fixed by this Court.



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W.P.No.31411 of 2023

For Petitioner : Mr.M.Bharathy Meena
For RR 1 & 2 : Mr.D.B.R.Prabu, Standing Counsel
For RR3 to 6 : No appearance

ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the respondents 1 and 2 herein to consider petitioner's representation dated 09.10.2023 to take appropriate action against the unauthorised construction put up by the 3rd to 6th respondents

2. The case of the petitioner is that he and his wife had jointly purchased two properties bearing Old Door No.1088, New Door No.1659, B.V.Colony, 30th Street, S.F.No.179/23, Block 42B(s), Vyasarpadi, Chennai 600 039 by way of Sale Deed dated 10.10.2011 and another property bearing Old Door NO.1088, New door NO.1473, T.S.No.38, Block 42B(s), B.V.Colony, 30th Street, Vysarpadi, Chennai 600 039, by way of Sale Deed dated 10.10.2011 and eversince from the date of purchase, the petitioner is in continuous possession and enjoyment of the above mentioned properties. During the month of December 2022, the petitioner demolished the old structure of the buildings in order to construct a new building. The petitioner would state that when he went to his native place, taking advantage of the



W.P.No.31411 of 2023

petitioner's absence, the persons, who were adjacent land owners to his properties, had jointly demolished the back side wall of their property and constructed an unauthorised construction of wall of 50 feet length, 3 feet width and 5 feet height. In this regard, on 09.10.2023, the petitioner has made representation to the respondents 1 and 2 to remove the encroachment made by the respondent in his prayer, however till date, no action has been taken on the said representation by the respondents 1 and 2 and hence, the petitioner had approached this Court by way of filing this writ petition.

3. Though very many grounds have been raised, the learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the respondents 1 and 2 to consider the representation of the petitioner and to pass appropriate orders.

4.The learned Government Advocate has no objection for said order being passed.

5. Heard the submission of the learned counsel for the petitioner, learned Standing Counsel appearing for the respondents 1 and 2 and also



W.P.No.31411 of 2023

perused the materials available on record.

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6. Considering the limited request sought for by the learned counsel appearing for the petitioner, this Court without going into the merits of the case, issues direction to the respondents 1 and 2 to consider the representation of the petitioner dated 09.10.2023 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.

7. This Writ Petition stands disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
12.12.2023

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Index : Yes / No

Internet : Yes / No

To

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2.The Assistant Revenue Officer (Zone 4),
Greater Chennai Corporation,
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W.P.No.31411 of 2023

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

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W.P.No.31411 of 2023

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