



W.P.No.35301 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P.No.35301 of 2023

J.Zakir Hussain

... Petitioner

-Vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.
2. The Assistant Revenue Officer (Zone 5),
Greater Chennai Corporation,
No.19, Basin Bridge Road,
Chennai – 600 021.

3. Saira Banu

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents herein to consider petitioner's representation dated 30.11.2023 and to initiate appropriate action to demolish the unauthorized construction put up by the 3rd respondent within a time frame fixed by this Court.



W.P.No.35301 of 2023

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For Petitioner : Ms.M.Bharathy Meena
For Respondents : Mr.D.B.R.Prabhu
Standing Counsel [R1 and R2]

ORDER

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

The prayer sought for herein is for a Writ of Mandamus, directing the 1st and 2nd respondents herein to consider petitioner's representation dated 30.11.2023 and to initiate appropriate action to demolish the unauthorized construction put up by the 3rd respondent within a time frame fixed by this Court.

2. Heard Ms.M.Bharathy Meena, learned counsel appearing for the petitioner and Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the first and second respondents. In view of the order that is going to be passed in this writ petition, notice to the third respondent is hereby dispensed with.

3. The petitioner's complaint was that the third respondent is putting up a construction of a lift in a common place and if it is permitted to be constructed that will affect the easementary rights of the petitioner and in that, already the



W.P.No.35301 of 2023

petitioner had filed a civil case in C.R.P.No.4134 of 2023 before this Court, where he claimed to have obtained an order of *status-quo*.

4. It is a further complaint of the petitioner that, despite the order being passed by this Court, the third respondent continuously put up construction of lift, therefore a representation has been given by the petitioner on 30.11.2023 to the first and second respondents and the same since has not been considered, he has filed the present writ petition and seeks indulgence of this Court to issue a direction to the first and second respondents to decide the said representation of the petitioner on merits, of-course after hearing both sides.

5. In view of the innocuous nature of the prayer that has been sought for in this writ petition and after hearing the learned counsel appearing for the parties, we are inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the first and second respondents to consider the representation of the petitioner dated 30.11.2023 and pass orders thereon on merits and in accordance with law of-course after hearing both the petitioners as well as the third respondent by sending notices to them fixing a date of hearing and pass orders thereon within a



W.P.No.35301 of 2023

period of four(4) weeks from the date of receipt of a copy of this order.

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With these directions, this writ petition is disposed of. No costs.

(R.S.K.,J.) (G.A.M.,J.)
19.12.2023

Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No

mp

Note: Issue order copy on 20.12.2023.

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.
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W.P.No.35301 of 2023

R.SURESH KUMAR, J.
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W.P.No.35301 of 2023

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