



W.P.No.2116 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2116 of 2024

G.Suresh Kumar

..

Petitioner

Vs.

1. The Commissioner
Greater Corporation of Chennai
Rippon Building, Chennai – 600 003.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
Egmore, Chennai – 600 008.
3. The Assistant Engineer
Zone XIII, Ward 174
Greater Corporation of Chennai
Adyar, Chennai – 600 020.
4. The Executive Engineer
Zone XIII, Ward 174
Greater Corporation of Chennai
Adyar, Chennai – 600 020.



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5. The Assistant Executive Engineer
Zone XIII, Ward 174
Greater Corporation of Chennai
Adyar, Chennai – 600 020.

6. The Assistant Engineer
TANGEDCO, Adyar
Chennai – 600 020.

7. D.Vinoth Kumar

8. D.Selvakumar

9. S.Krishnamurthy @ Kicha

10. S.Jothikannan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 to 6 to remove the encroachment in the property located in TSLR No.30, Old Survey No.41/1pt, Block No.3, Ward No.1, Arunachalapuram First Street, Adyar, Velachery Taluk, Chennai 600020, and demolish the unauthorised and unapproved, and unlawful construction of the building and to take proper and appropriate legal action against the errant, by considering the petitioner representation dated 31.03.2023, 10.08.2023 and 22.12.2023.



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For the Petitioner : Mr.K.Siva

For the Respondents : Mr.A.Arun Babu
for R1, R3 to R5
Mr.Y.Bhuvanesh Kumar
for R2

Mr.L.Jaivenkatesh
for R6

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.K.Siva, learned counsel for the petitioner, Mr.A.Arun Babu, learned counsel for respondents 1 and 3 to 5, Mr.Y.Bhuvanesh Kumar, learned counsel for respondent 2 and Mr.L.Jaivenkatesh, learned counsel for respondent 6.

2. Grievance is made that action is not taken against the illegal constructions.

3. There is nothing on record to conclude about the illegal constructions. On 07.06.2023, notice was issued, calling for the approved plan from respondents 6 to 7. Subsequently, on the basis of the complaint filed by the petitioner, the CMDA, on 09.01.2024,



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issued a communication to the Commissioner, Greater Chennai Corporation and to the Zonal Executive Engineer, forwarding the complaint of the petitioner for necessary action against the constructions under reference. After the said communication was issued by the CMDA to the Greater Chennai Corporation on 09.01.2024, within eight days, i.e., on 18.01.2024, the writ petition is presented to the court.

4. The petitioner did not even venture to wait for a reasonable time to enable the authorities to process the matter and take action. We cannot encourage such petitions. On 09.01.2024, the communication is issued. We can understand if for a reasonable time no action is taken, then the aggrieved person coming to the court.

5. In the light of that, we are not inclined to pass any orders in the matter. If, within a reasonable period, say for example four to six months, no action is taken, then the petitioner may agitate, if he is aggrieved.



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6. The writ petition, accordingly, stands dismissed. There shall be no order as to costs. Consequently, W.M.P.Nos.2268 and 2269 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

01.02.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

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