



W.P.No.4704 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 26.02.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.4704 of 2024

P.Saravana Kumar

.. Petitioner

Vs.

1.The Member Secretary
Housing and Urban Development Department
Secretariat
Chennai 600 009

2.The Member Secretary
CMDA, Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008

3.The Chairman
TANGEDCO
Anna Salai
Chennai 600 002

4.The Managing Director
CMWSSB
No.1, Pumping Station Road
Chintadripet
Chennai 600 002



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5.Rainbow Foundation Ltd.
Rep. by Gajraj Jain
Door No.141,143,145,147,149
Zone-VII
Choolai High Road
Chennai 600 112

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to consider the representation dated 25.11.2023.

For Petitioner : Mr.R.Pavithra
For R1 : Mr.C.Kathiravan
Special Government Pleader

ORDER

(Order of the court was made by R. MAHADEVAN, J.)

Seeking a mandamus to the 2nd respondent to dispose of the petitioner's representation dated 25.11.2023, this writ petition has been filed.

2. According to the petitioner, he is residing in the address at No.99/52, Angalamman Koil Street, Choolai, Chennai 600 007 for several years and in the same area, the 5th respondent is constructing an apartment in new door Nos.141, 143, 145, 147 and 149 comprising of ground floor + 4 floors, without following



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the necessary guidelines. Therefore, the petitioner submitted an application under the RTI Act, 2005, on 13.10.2022 seeking information regarding the said construction, for which, he received a reply on 25.11.2022. It came to light from the said reply, that the 5th respondent was granted approval only for constructing four floors, but they are proceeding to construct 5th floor and there is no set back, as per the guidelines. Hence, the petitioner submitted a representation dated 25.11.2023 to the official respondents for taking necessary action against the unauthorised construction and the same is pending without any consideration, till date. Finding no other option, the petitioner has come up with this writ petition seeking the aforesaid relief.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, taking notice for the 1st respondent and also perused the documents enclosed in the typed set of papers.

4. Considering the limited nature of the relief sought herein, this Court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 25.11.2023, if not considered earlier and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, fifth respondent and any



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other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, this writ petition stands disposed of. No costs.

[R.M.D,J.] [M.S.Q, J.]

26.02.2024

Neutral Citation : Yes/No
gya

To

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