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WP.No.7743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.7743 of 2024
WMP.Nos.8663 and 8664 of 2024

Akilesh Baskaran

Petitioner

Vs

1. The Commissioner, Greater Chennai Corporation, Chennai-3
2. The Executive Engineer, Greater Chennai Corporation
Royapuram, Chennai-79
3. The Assistant Engineer, Greater Chennai Corporation
Royapuram, Chennai-13
4. Misha Antony @ Vanessa Annice Leonie Joseph
5. Mary Joseph Antony

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents 1 to 3 to take action against unlawful or unauthorised demolition or reconstruction in the property bearing Door No.26/55, West Madha Church Street, Royapuram, Chennai-13 comprised in Town Survey No.157.

For Petitioner : Mr.S.P.Arthi

For Respondents : Mr.D.B.R.Prabhu, Standing Counsel-RR1to3
RR4and 5- No Appearance



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ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition is filed to issue a Writ of Mandamus to direct the Respondents 1 to 3 to take action against unlawful or unauthorised demolition or reconstruction in the property bearing Door No.26/55, West Madha Church Street, Royapuram, Chennai-13, comprised in Town Survey No.157.
2. This Court heard learned counsel for the Petitioner and the Official Respondents.
3. The Petitioner is a resident of a Flat, bearing Door No.24/53. The Petitioner admits that the Petitioner and the 4th Respondent are sharing a common wall and it is a continuous building area. The Petitioner states that the Respondents 4 and 5 have commenced unauthorised demolition and reconstruction activities without obtaining necessary permission from the Official Respondents. The grievance of the Petitioner is that such unauthorised demolition by the Respondents 4 and 5 will cause extensive damage and pose a threat to the existence of the building owned by the Petitioner. It is also stated by the Petitioner that the Petitioner's grievance was ignored by the Official Respondents despite representations were given. The Petitioner has come before this Court to stop on going demolition activities and to prevent unauthorised construction without getting proper permission.
4. The learned counsel for the Official Respondents submitted that the



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demolition of the construction by the Respondents 4 and 5 was authorised in the sense that such demolition activities were done by the Respondents 4 and 5 after getting due permission from the Official Respondents. He also reported that the entire property of the Respondents 4 and 5 is now vacant land and they have not commenced any construction. The learned counsel ensured that the Respondents 4 and 5 will not be permitted to put up any new construction without submitting any planning permission as required in law. It is in these circumstances this court is unable to find any issue to be decided.

5. Recording the submissions of the learned counsel for the Official Respondents, this Writ Petition is closed. However, the Official Respondents are directed to ensure that no development or construction activities are commenced without any permission/building plan approval by the Statutory Authorities. No costs.

(S.S.S.R.J.) & (N.S.J.)
13.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm

1. The Commissioner, Greater Chennai Corporation, Chennai-3
2. The Executive Engineer, Greater Chennai Corporation
Royapuram, Chennai-79
3. The Assistant Engineer, Greater Chennai Corporation
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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

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