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W.P.No.13446 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.13446 of 2021

R.S.Madhavan

... Petitioner

Vs.

- 1.The chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
- 2.The Principal Secretary,
Housing & Urban Development Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
- 3.The Principal Secretary,
Municipality & Rural Development Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
- 4.The Commissioner,
Corporation of Greater Chennai,
Chennai 600 003.
- 5.The Central Regional Deputy Commissioner,
Corporation of Greater Chennai,
No.36B/12B, Pullah Avenue,
Shenoy Nagar, Chennai 600 030.



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6.Mr.Periysamy

7.Mr.Govindasamy

8.Mr.Muruganandam

9.Ganga Bai

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to consider the petitioner's representation dated 25.01.2021 sent for to take departmental action against the respondents 6 to 8 for their inaction to take appropriate steps as against the 9th respondent's building as per the order of this Court dated 12.03.2020 passed in W.P.No.4125 of 2020.

For Petitioner : Mr.D.Vijay for
Mr.R.Thanjan

For Respondents : Mr.M.Rajendran, AGP for R1 to R3
Mr.E.L.Ramesh for R4 to R8
No appearance for R9

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents 1 to 5 to consider the petitioner's representation dated 25.01.2021 sent to take departmental action against the respondents 6 to 8 for their inaction to take appropriate steps against



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the 9th respondent's building as per the order of this Court dated 12.03.2020 passed in W.P.No.4125 of 2020.

2. Heard Mr.D.Vijay, learned counsel for the petitioner, Mr.M.Rajendran, learned Additional Government Pleader for the respondents 1 to 3 and Mr.E.L.Ramesh, learned counsel for R4 to R8.

3. The petitioner is the neighbour of the 9th respondent who has constructed a building violating the Building Rules. The fourth respondent Corporation has issued a lock and seal notice against the 9th respondent. The 9th respondent challenged the same by way of preferring a Writ Petition in W.P.No.4125 of 2020 and the same was disposed by giving liberty to the 9th respondent to file a revision. It was also directed that the petitioner who stood as the third respondent in W.P.No.4125 of 2020 should also be given with an opportunity of hearing.

4. After hearing the petitioner and the 9th respondent, the revision is also said to have been dismissed. Now the grievance of the petitioner is



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that subsequent to the order of dismissal passed in the revision petition, the Corporation authorities ought to have demolished the unauthorised construction raised by the 9th respondent. Since the third respondent and the officials of the third respondent had failed to execute the demolishing order, the petitioner has filed this Writ Petition seeking the above direction.

5. Admittedly in the revision filed by the 9th respondent, lock and seal notice issued by the fourth respondent was confirmed. A clear cut findings has been given that the 9th respondent has violated the Building Rules and has put up construction by violating the same. The grievance of the petitioner is that despite lock and seal notice was given, no further steps has been taken in this regard and the building has not been locked or sealed so far.

6. The learned counsel for the respondents 4 to 8 submitted that if any short time is given, appropriate action will be taken in the spirit of the notice issued for lock and seal which has been confirmed in the



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subsequent revision filed by the 9th respondent.

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7. Considering the submission made by the learned counsel for the respondents 4 to 8, this Writ Petition is disposed by directing the fourth respondent to take appropriate action consequent to the notice given to the 9th respondent for lock and seal which has been confirmed in the order of revision and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

19.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

gsk

To

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