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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.35695 of 2023

R.Subramani Petitioner

Vs

1. The Commissioner, Greater Chennai Corporation, Chennai-3

2. The Assistant Commissioner, Greater Chennai Corporation, Ambattur, Chennai-53

3. V.Venkatesan Respondents

Prayer:- This Writ Petition has been filed, under Article 222 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents 1 and 2 to lock and seal the building situated at Plot No.11, Gangai Nagar Srinivasan Street, Gangai Nagar, Kallikuppam, Chennai-53, with an extent of 2600 sq.ft. comprised in S.No.740/1, correlated to TS.No.44, Block No.15, Ward E, Korattur Village, Ambattur, Chennai.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.B.R.Prabhu, Standing Counsel-RR1&2

ORDER

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

1. This Writ Petition has been filed to issue a Writ of Mandamus directing the Respondents 1 and 2 to lock and seal the building situated at Plot No.11,

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Gangai Nagar Srinivasan Street, Gangai Nagar, Kallikuppam, Chennai-53, with an extent of 2600 sq.ft. comprised in S.No.740/1, correlated to TS.No.44, Block No.15, Ward E, Korattur Village, Ambattur, Chennai.

2. This Court heard the learned counsel for the Petitioner and the learned Government Advocate for the Official Respondents and also perused material records placed before this Court. The notice sent to the 3rd Respondent was returned unserved with an endorsement “refused to accept”.

3. The Petitioner along with the 3rd Respondent were appointed as Power Agents of one R.Subramanian, who is the owner of the vacant land bearing Plot No.11, Gangai Nagar Srinivasan Street, Gangai Nagar, Kallikuppam, Chennai-53. The grievance of the Petitioner is that the 3rd Respondent has constructed a building without leaving set back place on all four sides and that the Petitioner being one of the Power Agents of the land owner is also aggrieved and concerned about the unlawful and unauthorised construction put up by the 3rd Respondent. The Petitioner gave a representation to the Official Respondents on 24.06.2023. Even though the representation of the Petitioner was acknowledged by the Official Respondents, the further grievance of the Petitioner is that they have not taken any action against the illegal construction put up by the 3rd Respondent.

4. The learned Government Advocate for the Respondents 1 and 2 would submit that action had already been taken and a show cause notice has been issued to the 3rd Respondent to stop work and the 3rd Respondent

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has not given any reply to the said notice and therefore, the Respondents 1 and 2 proposed to take further action.

5. The court notice sent to the 3rd Respondent was returned with an endorsement “refused to accept”. Hence, this Court proceeded as if service of notice to the 3rd Respondent is complete.

6. The 3rd Respondent appears to be a person, who does not respond to the notice issued by the Respondents 1 and 2. The 3rd Respondent has also refused to receive the court notice. Considering the grievance of the Petitioner and the submissions made in the representation as well as in the affidavit filed in support of this Writ Petition, this Court, without going into the merits of the contentions made either in the representation or in the affidavit filed in support of this Writ Petition, directs the Respondents 1 and 2 to take appropriate action on the representation of the Petitioner, in accordance with law, after hearing the 3rd Respondent. The Respondents 1 and 2 shall pass appropriate orders on merits and in accordance with law, after holding an enquiry and giving sufficient opportunity to the Petitioner as well as to the 3rd Respondent. The decision taken by the Respondents 1 and 2 shall be informed to the Petitioner. The entire exercise shall be completed by the Respondents 1 and 2 within a period of sixteen weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

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

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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

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

To

1. The Commissioner, Greater Chennai Corporation, Chennai-3

2. The Assistant Commissioner, Greater Chennai Corporation,
   Ambattur, Chennai-53

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