



W.P.No.2719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.2719 of 2025

C.Gajapathy

... Petitioner

Vs.

1.The Commissioner,
Tambaram Corporation,
No.1, Muthuranga Mudali Street,
West Tambaram, Chennai – 600 045.

2.V.Vivek

3.R.Srinivasa Raghavan

4.R.Srinivasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 11.12.2024 by granting an opportunity of personal hearing.

For Petitioner : Mr.Prakash Kumar

For Respondent 1 : Mr.P.Srinivasan,
Standing Counsel



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ORDER

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The petitioner has filed this petition seeking direction to the first respondent to consider the petitioner's representation dated 11.12.2024 by granting an opportunity of personal hearing.

2. Since no adverse order is being passed against the respondents 2 to 4, notice to respondents 2 to 4 is dispensed with and this writ petition is taken up for final hearing.

3. The case of the petitioner is that the petitioner's mother Mrs.Krishnaveni Ammal had purchased the house property situated at No.27, Gandhi Street, Chitlapakka, Chennai-64 vide sale deed Doc.No.2309 of 1985 on 27.03.1985 from Mrs.Thulasi, with 16 feet common passage rights on the Eastern side of the property along with Rose Ammal land. The 16 feet common passage is left for the usage and amenities of both Mrs.Krishnaveni and Mrs.Thulasi. On March 2013 onwards Mrs.Thulasi prevented the usage in the common passage, resulted a civil dispute and now, an Appeal in A.S.No.23 of 2020 is filed by the petitioner before Sub Court, Tambaram and



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the same is pending for consideration.

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3.1. On 06.02.2020, Mrs.Thulasi settled her property to her daughter Mrs.S.Jayabharathi including the common passage as her property, who in turn sold her 1/3rd share to the respondents 2 to 4 vide sale deeds Doc.Nos.7780, 7779 & 7781 of 2024, respectively. Immediately, the respondents 2 to 4 have put up a compound wall on the western side of their property (eastern side of the petitioner's property) to a height of more than 10 feet abutting the petitioner's property and blocked the sunlight, air and ventilation, causing nuisance in all forms. Therefore, the petitioner sent a representation dated 11.12.2024 to the first respondent for necessary action on the illegally constructed compound wall of about 10 feet height. Though the representation has been received by the first respondent on 12.12.2024, till date, no action has been taken. Hence, the petitioner has come forward with the present writ petition.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this



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Court issues direction to the first respondent to consider the petitioner's representation dated 11.12.2024 and pass orders on merits and in accordance with law, within a particular time frame to be fixed by this Court.

5. Learned standing counsel appearing for the first respondent has no objection for the said order being passed by this Court.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. Considering the limited prayer sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the first respondents to consider the petitioner's representation dated 11.12.2024, after giving due notice to the petitioner as well as respondents 2 to 4, affording an opportunity of personal hearing and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above observation and direction, this Writ Petition is disposed of. No costs.

03.02.2025

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To:

The Commissioner,
Tambaram Corporation,
No.1, Muthuranga Mudali Street,
West Tambaram, Chennai – 600 045.



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J.SATHYA NARAYANA PRASAD,J.

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