



W.P.No.4795 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.4795 of 2020

L.Dhanalakshmi

... Petitioner

Vs.

- 1.The Commissioner,
Corporation of Greater Chennai,
Ripon Building,
Chennai – 600 003.
- 2.The Regional Deputy Commissioner,
North Region,
Greater Corporation of Chennai,
No.61, Basin Bridge Road,
Chennai – 600 021.
- 3.The Zonal Officer,
Zone-V,
Greater Corporation of Chennai,
No.61, Basin Bridge Road,
Chennai – 600 021.
- 4.The Junior Engineer,
Anna Park (Robinson Park),
Greater Corporation of Chennai,
Royapuram, Chennai – 600 013.

5.Lingamurthy

... Respondents



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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 representation of the petitioner, dated 30.11.2019 and to take necessary action against the old and dilapidated structure, situated at Old No.35, New No.36, Perumal Mudali Street, Kondithope, Chennai – 600 079 owned by the fifth respondent.

For Petitioner : Mr.R.Munuswamy

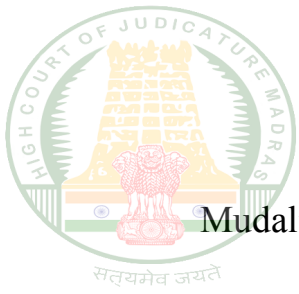
For Respondents 1 to 4 : Mr.S.Gopinathan,
Standing Counsel

For Respondent 5 : No such person

ORDER

The petitioner has filed this petition seeking direction to the first respondent to consider the representation of the petitioner, dated 30.11.2019 and to take necessary action against the old and dilapidated structure, situated at Old No.35, New No.36, Perumal Mudali Street, Kondithope, Chennai – 600 079 owned by the fifth respondent.

2. The case of the petitioner is that she is the absolute owner of 2/3rd share in the ground and premises, situated at Old No.34, New No.38, Perumal



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Mudali Street, Kondithope, Chennai-600 079 and the site measuring extent of

1488 sq. feet. The fifth respondent herein, owns a ground and premises, situated at Old No.35, New No.36, Perumal Mudali Street, Kondithope, Chennai-600 079, which is situated on the northern side of petitioner's property. There is a common wall in between the building of the petitioner and the fifth respondent's building, which only divides both the properties. The grievance of the petitioner is that the fifth respondent is not in occupation of the said property and has completely abandoned the said building and the same is in dilapidated condition. The said building is posing high risk to the neighbour of both sides and also passerby and especially which is posing high threat and risk to the safety of the petitioner. That apart, there is a well grown Pipal Tree (Arasa Maram) is standing on the common wall, which is rooted into the fifth respondent's property, which is causing more harm and fear to the properties and owners of either side. Therefore, from the year 2016 onwards the petitioner and her husband, Mr.N.V.Loganathan have been regularly sending representations (last representation dated 30.11.2019) and complaints to the respondents 1 to 4 thereby requesting them to take appropriate action to remove the tree and also to demolish the building. Due



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to inaction on behalf of the respondents, the petitioner has come up with the present writ petition.

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3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the respondents 1 to 4 to consider the petitioner's representation dated 30.11.2019 and pass appropriate orders on merits and in accordance with law, within a stipulated period to be fixed by this Court.

4. Learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that he has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the limited relief sought for by the petitioner, this Court without going into the merits of the case issues direction to the third



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respondent to consider the petitioner's representation dated 30.11.2019 after giving due notice to the petitioner as well as the fifth respondent, affording an opportunity of personal hearing, conducting an enquiry on merits, in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid observation and direction. No costs.

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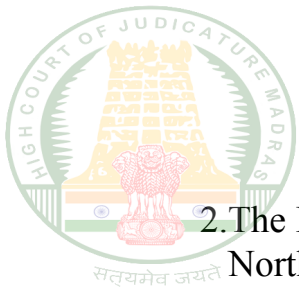
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

1.The Commissioner,
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