

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-03-2015

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

WRIT PETITION No.28993 of 2014
and
M.P.No.1 of 2014

T.Sabapathy Chettiar ... Petitioner

vs

- 1.The Member Secretary
Chennai Metropolitan Development
Authority
Egmore, Chennai 600 008
- 2.The Executive Officer
Thirumazhisai Town Panchayat
Thiruvallur District
Chennai 124.
- 3.P.Santhilal ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representations dated 7.6.2014 and 4.9.2014, and to take appropriate legal action against the illegal construction put up by the third respondent in S.No.182/6, Udayavarkoil Village, Thirumazhisai, Thiruvallur District, and to proceed against the same in accordance with law.

For Petitioner : Mr.C.Saravanan
For Respondents : Mr.C.Johnson for R1
Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R2

R3 - No appearance

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

The only relief sought for in this petition, is a direction to the first and second respondents to consider the representations of the petitioner dated 7.6.2014 and 4.9.2014, addressed to them, for initiating appropriate legal action against the alleged illegal construction carried out by the third respondent in S.No.182/6 of Udayavarkoil Village, Thirumazhisai, Thiruvallur District.

2. Notice was ordered. Despite service of notice, the third respondent had chosen not to appear before the Court.

3. On perusal of the papers, we found that the first respondent/Chennai Metropolitan Development Authority (CMDA) vide communication dated 24.9.2014, informed the second respondent/Town Panchayat to consider the representation of the petitioner dated 4.9.2014, and take appropriate enforcement action against such construction. It appears that the second respondent had chosen to throw away the said communication without any enforcement action. However, the learned Special Government Pleader appearing on behalf of the second respondent, submits that necessary direction be issued to the second respondent for considering the afore-stated representations and also to take necessary enforcement action within the time frame, if it is found that there is an unauthorised construction put up by the third respondent in the said land in question.

4. We have examined the entire aspects of the matter and are of the view that a direction must go to the second respondent to take action forthwith, after affording an opportunity of hearing to the alleged encroacher, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition stands disposed of with the afore-stated direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Member Secretary
Chennai Metropolitan Development
Authority
Egmore, Chennai 600 008
2. The Executive Officer
Thirumazhisai Town Panchayat
Thiruvallur District
Chennai 124.

1 cc to Mr. C. Johnson, Advocate, SR.No.17150

1 cc to Mr. G.A. Thyagarajan, Advocate, SR.No.17100