

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.6191 of 2014
and M.P.No.1 of 2014

M.Kuppan

.. Petitioner

-vs-

1.The President,
First Class Panchayat Union,
Kolapakkam Main Road,
Kolapakkam, Chennai 600 128.

2.Udayakumar Theagarajan,
Managing Director, M/s.UM Developers. .. Respondents
No.27C, I Floor, Krishnasamy Avenue
Mylapore, Chennai 4

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the direct respondent to take appropriate action against the illegal construction carried on by the second respondent in total deviation of the approved plan in the property bearing plot no.35 A, comprised in survey no.42, Kolappakkam Village, Mangadu Firka, Sriperumpudhur Taluk, Kancheepuram District.

For Petitioner : Mr.L.Dhamodaran

For Respondents : Mr.R.Vijayakumar
Addl.G.P. for R-1
: Mr.C.Umashankar for R-2

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, it is found that the petitioner and the second respondent have a personal lis

arising from what the second respondent had purchased earlier and what the petitioner purchased subsequently. It is the case of the second respondent that possibly, the petitioner has been given land short, but that does not entitle him to seek the land which the petitioner has purchased.

2.We are, thus, of the view that the appropriate course of action would be for the Executive Officer of the first respondent to get an inspection to be made of the area of both the petitioner and the second respondent within fifteen (15) days of the date of receipt of this order. In case, any encroachment is found by any of the parties, action in accordance with law be taken after notice to all concerned, within a maximum period of two (2) months of the said date. The position would be the same qua any deviated construction either by the petitioner or the second respondent.

3.Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2014 stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The President,
First Class Panchayat Union,
Kolapakkam Main Road,
Kolapakkam, Chennai 600 128.

+1cc to Mr.C. Umashankar, Advocate, S.R.No.67442
+1cc to Mr.L. Dhamodaran, Advocate, S.R.No.67612

nri(CO)
md(30/11/2016)

W.P.No.6191 of 2014