

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4309 of 2017

Dr.R.Rangarajan

.. Petitioner

Vs.

1. The Commissioner
Avadi Municipality
Avadi, Chennai-54.

2. The Tahsildar
Avadi Taluk
Avadi, Chennai-54.

3. The Town Surveyor
Avadi Municipality
Avadi, Chennai-54.

4. M.Balasundaram

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 3 to take immediate action for preventing the 4th respondent from making any further illegal construction in Survey No.327/1 & 3 and as well as in the encroached portion of petitioner's land survey No.327/5, Kovilpathagai Village, Avadi Taluk, Thiruvallur District and demolish and remove such illegal superstructure to the extent of confirming the building rules and regulations within a stipulated time.

For Petitioner

: Mr.S.Thanka Sivan

For Respondents

: Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents 1 to 3

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with.

2. The petitioner has filed this petition seeking issuance of a writ of Mandamus directing respondents 1 to 3 to take immediate action for preventing the 4th respondent from making any further illegal construction in Survey No.327/1 & 3 as well as in the encroached portion of petitioner's land in survey No.327/5, Kovilpathagai Village, Avadi Taluk, Thiruvallur District and demolish and remove such illegal superstructure to the extent of confirming the building rules and regulations within a stipulated time.

3. The petitioner purchased the land in Survey Nos.327/2 (part) and 327/5, Kovilpathagai Village, Avadi Taluk, Thiruvallur District and has also obtained patta in his favour. It is alleged that the fourth respondent, who is the owner of the adjacent property, is putting up illegal construction encroaching upon the petitioner's land. In this regard, the petitioner made a representation to the respondent/authorities on 21.1.2017 seeking removal of the illegal construction. However, till date no action has been initiated based on the said complaint. Hence, the present writ petition for the relief stated supra.

4. The learned Special Government submits that insofar as encroachment made on the property of the petitioner is concerned, the remedy lies elsewhere and so far as the unauthorized construction made by the fourth respondent is concerned, they will look into the matter and take appropriate action in accordance with law.

5. In the circumstances, it is for the respondent/authorities to consider the representation of the petitioner dated 21.1.2017 in accordance with law and take suitable action against the fourth respondent, who is said to be putting up illegal construction and also making encroachment. It is for the respondent/authorities to summon the fourth respondent and give him an opportunity of hearing and take necessary action in accordance with law.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.4506 of 2017 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

1. The Commissioner
Avadi Municipality
Avadi, Chennai-54.
2. The Tahsildar
Avadi Taluk
Avadi, Chennai-54.
3. The Town Surveyor
Avadi Municipality
Avadi, Chennai-54.

+ 1cc to M/s. S. Thanka Sivan, Advocate SR.11369
+ 1 cc to Government Pleader Sr.11191

W.P.No.4309 of 2017

KJ(CO)
EU 02/03/17

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