

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.22187 of 2017
and
W.M.P.No.23216 of 2017

S.Varalakshmi @ Shobana ... Petitioner

Versus

1. The District Collector
Kanchipuram Collectorate,
Kanchipuram District.
2. The Block Development Officer
Kattankolathur Panchayat Union
Office, Kattankolathur.
3. The Member Secretary,
CMDA, No.1, Gandhi Irwin Road
Egmore, Chennai-8.
4. M/s.Monni Builders
No.49/B, Second Street
Mohan Nagar Main Road
Madambakkam, Chennai 600 126.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to take coercive action against the 4th respondent for the illegal constructions done by him in violation of plan approval in the site measuring to an extent of 29 cents comprised in Survey No.23/1A1 situated at Puthur village, Chengalpattu Taluk.

For Petitioner : Mr.D.Saikumaran

For R1& R2 : Mr.A.N.Thambidurai,
Special Government Pleader

For R3 : Mr.N.Sampath

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.N.Sampath, learned Standing counsel accepts notice on behalf of the 3rd respondent.

2. The petitioner would aver that he is the owner of the agricultural land admeasuring to an extent of 32 cents situated in No.10, Puthur village, Chengalpattu Taluk, through a registered Sale Deed bearing Doc.No.3250/1996 dated 12.06.1996 registered on the file of the Office of the Sub Registrar, Tambaram. Subsequently, the petitioner had entered into a Rectification Deed with regard to the extent of the said property. The petitioner would further aver that the 4th respondent had purchased the landed property adjacent to his property in Survey No.23/1A1 admeasuring to an extent of 29 cents and started putting up construction and according to the petitioner, the said construction is totally an unauthorised one and in this regard, he has submitted a representation dated 18.07.2017 to the 2nd respondent, who vide Memo dated 28.07.2017 in Na.Ka.No.1500/2017/m1, has informed the 4th respondent with a copy marked to the petitioner herein, that on inspection done on 25.07.2017, deviations have been noted and if the construction is not in accordance with the CMDA Regulations, the Building Plan approval granted to the 4th respondent, will be cancelled and consequence of putting up the unauthorised construction will follow. The grievance expressed by the petitioner is that despite such a communication, the 4th respondent is merrily proceeding with the construction and therefore, the petitioner is constrained to approach this Court.

3. Heard the submissions of the learned counsel for the petitioner ; Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.N.Sampath, learned Standing counsel appearing for the 3rd respondent.

4. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 2nd respondent to put the 4th respondent on notice and thereafter, take further action in the light of his Memo dated 28.07.2017 in Na.Ka.No.1500/2017/m1, and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent herein.

5. The writ petitions stand disposed of with the above observations and direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Kanchipuram Collectorate,
Kanchipuram District.
2. The Block Development Officer
Kattankolathur Panchayat Union
Office, Kattankolathur.
3. The Member Secretary,
CMDA, No.1, Gandhi Irwin Road
Egmore, Chennai-8.

+1cc to Mr.D.Saikumaran, Advocate, S.R.No.60595
+1cc to Mr.N.Sampath, Advocate, S.R.No.59848
+1cc to the Government Pleader, S.R.No.60230

W.P.No.22187 of 2017

BR(CO)
CA(13/09/2017)

सत्यमेव जयते

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