

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.24387 of 2017 in W.M.P.No.25796 of 2017

A.R.S.Thulasingham

...

Petitioner

Vs.

1. The Special Officer,
Kayarambedu Village Panchayat,
Kayarambedu Village, Chengalpattu Taluk,
Kancheepuram District.
2. The Block Development Officer (Village Panchayats),
Kattankulathur Panchayat Union,
Maraimalai Nagar, Chengalpattu Taluk,
Kancheepuram District.
3. The Deputy Director,
Town and Country Planning,
Chengalpattu Town, Kancheepuram District.
4. The Divisional Engineer,
TNEB, G.S.T. Road,
Guduvancheri, Chengalpattu Taluk
Kancheepuram District.

5. Mr. V. Moorthy

...Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4, to take necessary action on the 5th respondent who is making unauthorized and deviation in Thiruporur Road, Chengalpattu Taluk, Kancheepuram District, comprised in S.No.403/4 and S.No.403/5 and to demolish the said building, by considering the representation of the petitioner dated 07.08.2017.

For Petitioner : Mr.A.Ramalingam

For Respondent : Mr.M.E. Rani Selvam
Additional Government Pleader for R1-R3
: M.Varun Kumar for R-4

ORDER

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

By consent, the writ petition is taken for final disposal.

Mr.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3. Mr.Varun Kumar, learned Standing Counsel accepts notice on behalf of the 4th respondent.

2. The petitioner in the affidavit filed in support of the writ petition would state that he is the absolute owner of the agricultural property admeasuring to an extent of 0.40.0 hectares comprised in

S.No.403/5 in Kayarambedu Village, Chengalpattu Taluk and it was purchased by him through a registered Sale Deed dated 26.10.2010 and in the said land he is carrying out agricultural activities. The petitioner would further aver that adjacent to his land, Plot No.1 in S.No.403/4 is owned by 5th respondent herein. The grievance expressed by the petitioner is that the 5th respondent without obtaining any planning permission or authorization whatsoever, started putting up unauthorized construction for commercial purpose and while doing so, has also encroached upon the western portion of his property. The petitioner in this regard has submitted a representation dated 07.08.2017 to the respondents and in spite of the receipt and acknowledgment, no action has been taken so far and hence, came forward to file this writ petition.

3. Heard the submissions of Mrs.M.E.Rani Selvam, Additional Government Pleader appearing for respondents 1 to 3 and Mr.Varun Kumar, learned counsel appearing for 4th respondent and also perused the materials placed before it.

4. This Court taking into consideration, the above facts and circumstances and without going into merits of the claim projected by

the petitioner either in his representation or in this writ petition, directs the respondent 1 to 3, to put the 5th respondent on notice and thereafter, shall consider and dispose of the petitioner's representation dated 07.08.2017 on merits and in accordance with law and pass order appropriate orders within a period of twelve weeks from the date of receipt of copy of this order and also communicate the decision taken to the petitioner as well as to the 5th respondent herein.

5. The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

(M.S.N.,J) (N.S.S.,J)
11.10.2017

rka/smn

Index: No
Internet: Yes

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To.

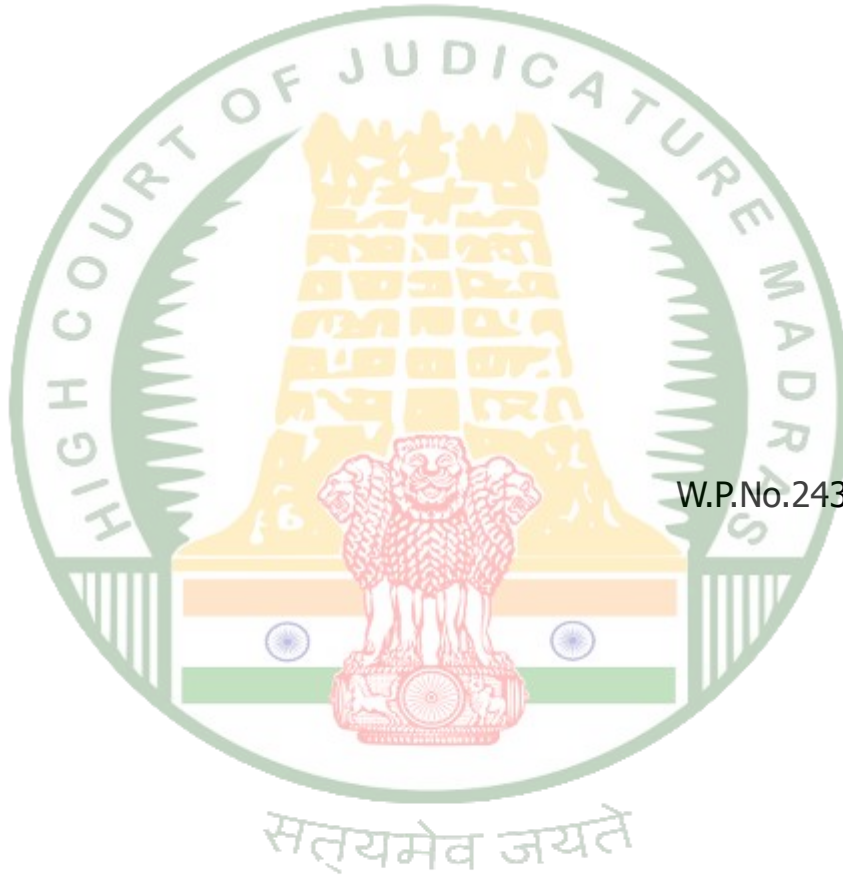
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