

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.25627/2017

S.Sowbakkiam ... Petitioner

Versus

1 The Commissioner
Kancheepuram Municipal Corporation
Kancheepuram - 631 502.

2 K.Ramesh ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to take appropriate action against the 2nd respondent for constructing the unauthorized building in the premises bearing Old Door No.9, Thiruvalluvar Street, Kancheepuram - 631 501, Kancheepuram District, based on the petitioner's representation dated 27.07.2017.

For Petitioner : Mr.K.Premkumar
For R1 : Mr.G.B.Rajesh

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.G.B.Rajesh, learned Standing counsel accepts notice on behalf of the 1st respondent.

2 The petitioner claims that she is the permanent resident and owner of the house, ground and premises bearing Old No.10, new No.23, Tiruvalluvar Street, Kancheepuram District, comprised in Town Survey No.2061, Ward No.1, Block No.28 and she had purchased the said property through a registered Sale Deed dated 27.08.1956 and ever since the date of purchase, she is in possession and enjoyment of the same. The petitioner would further state that the 2nd respondent, who is he neighbour and

owner of the house, ground and premises bearing Old Door No.9, Thiruvalluvar Street, Kancheepuram, on 01.05.2015, demolished the front and centre portions of the building and started constructing new building without obtaining planning or building permission from the 1st respondent Municipality and in that process, also caused nuisance and hardship to the petitioner. The petitioner in this regard, has submitted a representation dated 15.06.2015 followed by a reminder dated 01.08.2015 as well as yet another representation dated 27.07.2017, specifically pointing out the illegal act on the part of the 2nd respondent in proceeding with the construction without any planning permission or authorisation and despite receipt and acknowledgment, no response is forth coming and she is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents, especially, the photographs and would submit that the 2nd respondent, without following due process of law, is putting up a new structure without planning permission or building permit and therefore, the offending construction is to be demolished forthwith.

4 Per contra, the learned Standing counsel appearing for the 1st respondent would submit that action will be taken on the representation submitted by the petitioner in accordance with law.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed 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 either in her representation or in this writ petition, directs the 1st respondent to put the petitioner as well as the 2nd respondent on notice and thereafter, cause a joint inspection within a period of four weeks from the date of receipt of a copy of this order and thereafter, consider and dispose of the petitioner's representation dated 27.07.2017 on merits and in accordance with law and pass appropriate orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the 2nd respondent herein.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS - III)

/TRUE COPY/

Sub Assistant Registrar

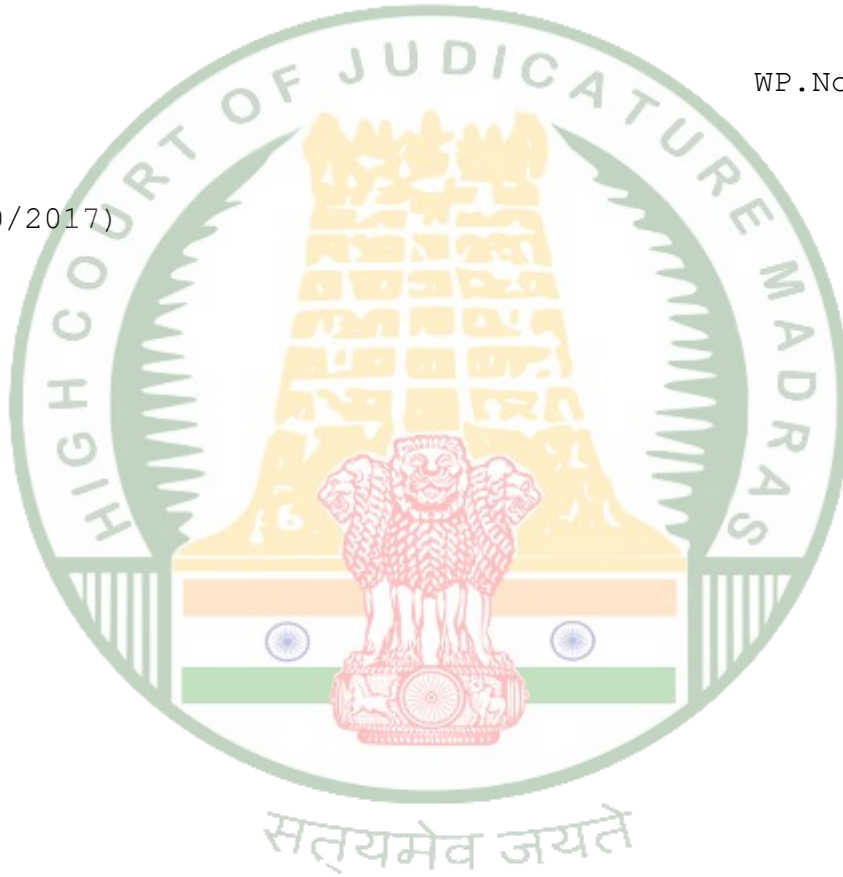
AP
To
The Commissioner
Kancheepuram Municipal Corporation
Kancheepuram. 631 502

+1 C.C. to M/S.K.PREMKUMAR Advocate SR.NO. 70471
DT.22/09/2017

+1 C.C. to M/S.G.P.RAJESH Advocate SR.NO. 70363
DT.22//09/2017

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MR(CO)
T.R (23/10/2017)



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