

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2017

CORAM

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

W.P.No.29217/2017 & WMP.No.31473/2017

K.Bala Valli

... Petitioner

vs

1.The Member Secretary
Chennai Metropolitan Development
Authority, [CMDA], Thalamuthu
Natarajan Building, Egmore,
Chennai 600 008.

2.The Executive Officer
Kundrathur Town Panchayat
Kundrathur, Chennai 600 069.

3.P.Vaithialingam

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the respondents 1 and 2 to take appropriate action on petitioner representation dated 08.07.2017 with regard to the removal of unauthorized construction of Kalayana Mandapam in Survey No.1398/18, Kundrathur B Village, adjoin to petitioner's property at S.No.1398/17 Kundrathur B Village, at Kundrathur Town Panchayat, Pallavaram Taluk, Kancheepuram District.

For Petitioner : Mr.B.Manoharan

For R1 : Mr.A.Kumar

For R2 : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

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

2 The petitioner would state that she is an Advocate and also the Joint Secretary of the Tamil Nadu Congress Committee Legal Wing, having residence at Door No.282/2, Rottu Street, Murugan Koil Road, Kundrathur, Chennai-600 069 and according to her, her mother-in-law had purchased the land admeasuring to an extent of 27 cents comprised in S.No.1398/17 in Patta No.492, Kundrathur B Village, Pallavaram Taluk, Kancheepuram District and adjacent to the said property, the 3rd respondent is having Natham land in S.NO.1398/18 and access to the said properties is through 17 feet road from the Main Road. The grievance expressed by the petitioner is that the 3rd respondent, without planning permission / approval whatsoever, started putting up a Marriage hall and in this regard, the petitioner has submitted a representation dated 08.07.2017 to the respondents 1 and 2 and despite receipt and acknowledgment of the said representation, no action has been taken so far to call off the illegal construction on the part of the 3rd respondent and hence, the petitioner 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 as well as to the photographs and would submit that the 3rd respondent, without planning permission/authorisation/approval, started putting up a commercial venture in the form of Marriage Hall and therefore, it should be stopped forthwith.

4 The Court heard the submission of Mr.A.Kumar, learned Standing counsel appearing for the 1st respondent and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 2nd respondent and also perused the materials placed before it.

5 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 claim projected by the petitioner, directs the officials of the respondents 1 and 2 to put the petitioner as well as the 3rd respondent on notice and thereafter, cause a joint inspection of the alleged unauthorised construction being put up by the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the said inspection, the respondents 1 and 2 shall take further action on merits and in accordance with law within a further period of four weeks thereafter and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AR-J)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Member Secretary
Chennai Metropolitan Development
Authority, [CMDA], Thalamuthu
Natarajan Building, Egmore,
Chennai 600 008.

2.The Executive Officer
Kundrathur Town Panchayat
Kundrathur, Chennai 600 069.

3.P.Vaithialingam
S/o.Shri Ponnusamy
Rottu Street, Murugan Koil Road
Kundrathur, Chennai 600 069.

[Copy marked to the 3rd respondent
as per the order of this Court.]

+ 1 cc to MR.A. Kumar, Advocate SR.81032

W.P.No.29217/2017

AR-J
EU (14/12/2017)

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