

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.39545 of 2015

Vijay G.

... Petitioner

Vs.

1. The Assistant Director (G),
Directorate of Town and Country Planning,
13, Varadharasan Street,
Chengelpet-1.

2. Thandalam Panchayat,
rep. by its President,
Kancheepuram District.

3. K.E.Kumar

4. The Directorate of Town and Country Planning,
807, Anna Salai,
Chennai-600 002.

... Respondents

(Respondent No.4 impleaded as per the order
in WMP.No.21137 of 2016, dt. 02.01.2017)

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a writ of mandamus to
direct the first respondent to demolish the building situated at
Survey No.111/3B, 4B, 5 and part of 6 Thandalam village,
Sriperumbudur Taluk, Kancheepuram District.

For Petitioner

: Mr.Avinash
for M/s.V.Raghavachari

For Respondents

: Mr.T.N.Rajagopalan
Special Government Pleader
for R1, R2
Mr.R.Thiagarajan for R3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner claims to be an absolute owner of the commercial-cum-residential flat in the adjacent property and is aggrieved by the alleged unauthorised construction made by respondent No.3. The pleadings would show that there appears to be dispute between respondent No.3 and the builder and the allegation of respondent No.3 is that in respect of another property of respondent No.3, the petitioner has been set up to settle the scores, which allegation is sought to be denied by the petitioner.

2. In our view, the question would be whether the building of respondent No.3 is in accordance with the approved layout plan, which is stated to be of ground plus four floors. The notice placed on record dated 2.8.2012 suggests that it is not so. The learned counsel for respondent No.3 states that there was an unapproved swimming pool, which has been demolished and that he has filed a revised plan.

3. To put the controversy to rest, it is directed that a fresh inspection be carried out of the property of respondent No.3 by respondent No.1 and if there are still violations of the planning permission found, the same should be intimated to respondent No.3. This exercise be completed within a period of one month from the date of receipt of the copy of this order. Dependant on the fate of the inspection, respondent No.3 may be required to take necessary steps to either remedy the position or to obtain the sanction for any deviation if permissible, failing which the respondent authorities would naturally proceed against the property in question.

4. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bbr

To

1. The Assistant Director (G),
Directorate of Town and Country Planning,
13, Varadharasan Street,
Chengelpet-1.

2. The President,
Thandalam Panchayat,
Kancheepuram District.

3. The Directorate of Town and Country Planning,
807, Anna Salai,
Chennai-600 002.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.237

+1cc to Mr.R.Thiagarajan, Advocate, S.R.No.183

+1cc to the Government Pleader, S.R.No.117

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KGK(CO)
CA(25/01/2017)



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