

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.8049/2018 & WMP.No.10033/2018

Margaret Vatsala

..Petitioner

Versus

1. The Collector
Kancheepuram District,
Kancheepuram.
2. The Commissioner
Pallavaram Municipality
Chromepet, Chennai 600 044.
3. The Town Planning Officer
Pallavaram Municipality
Chromepet, Chennai 600 044.
4. JBM Shelters Pvt Limited
JRM Towers, No.59, GST Road
Pallavaram, Chennai 600 043.

..Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1, 2 and 3 to remove the unlawful construction violation set back space in No.10, Viswanathan Cross Street, Radha Nagar, Chrompet, Chennai-44 nd comply with the necessary building guidelines with a proper compound wall and fix responsibility officials on the in charge.

For Petitioner : Mr.N.Sivakumar
For R1 : Mrs.M.Lalitha, GA
For R2&R3 : Mr.P.Srinivas

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs.M.Lalitha, learned Government Advocate accepts notice on behalf of the 1st respondent and Mr.P.Srinivas, learned Standing counsel accepts notice on behalf of the respondents 2 and 3.

2 The petitioner claims that she is a retired Government employee and also a resident of Door No.12, Viswanathan Cross Street, Radha Nagar, Chromepet, Chennai-44, which comes within the jurisdiction of Pallavaram Municipality. The petitioner would aver that adjacent to her property, in Plot No.10, a new Apartment Complex is being constructed by the 4th respondent and no set back has been provided and it appears to be in utter violation of the alleged planning permission granted to them. The petitioner, in this regard, has submitted a representation dated 22.02.2018 to the 2nd respondent and also invoked the provisions of the Right to Information Act, 2005, by submitting an application on 25.01.2018 to obtain information as to the planning permission and other details said to have been accorded to the 4th respondent and since no response is forthcoming, the petitioner came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner has drawn the attention of this Court to the Extract of the Variation to the Master Plan for Kancheepuram Local Planning Area in G.O.Ms.No.130, Housing and Urban Development [UD4-1] Department dated 14.06.2010 as well as the photographs and would submit that prima facie the 4th respondent is putting up a multi-storeyed building without any set back and though the said fact has also been brought to the knowledge of the 2nd respondent, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 The Court heard the submissions of Mrs.M.Lalitha, learned Government Advocate appearing for the 1st respondent and Mr.P.Srinivas, learned standing counsel appearing for the 2nd respondent and perused the materials placed before it.

5 This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 2 and 3 to cause inspection of Plot NO.10, Viswanathan Cross Street, Radha Nagar, Chrompet, Chennai-44, in which the 4th respondent is said to have carrying out the construction activities relating to Multi-Storeyed Building, after putting the petitioner as well as the 4th respondent on notice, within a period of three weeks from the date of receipt of a copy of this order and depending upon the result of the same, respondents 2 and 3 shall take appropriate action in accordance with law within a further

period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the 4th respondent herein.

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

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

AP
To

- 1.The Collector
Kancheepuram District,
Kancheepuram.
- 2.The Commissioner
Pallavaram Municipality
Chromepet, Chennai 600 044.
- 3.The Town Planning Officer
Pallavaram Municipality
Chromepet, Chennai 600 044.

+1 CC to Mr.N. Sivakumar, Advocate sr 25709.
+1 CC to Mr.P. Srinivas, Advocate sr 26420.
+1 CC to Govt. Pleader sr 25962

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WP.No.8049/2018

MG(CO)
SP(20/04/2018)

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