

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:22.02.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.P.No.10093 of 2017

S.Mohan .. Petitioner

Vs.

1.The Commissioner,
St. Thomas Mount Panchayat Union,
Chitalapakkam, Chennai.

2.S.Ravi ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st Respondent to consider the petitioner representation dated 1.12.2016 consequently direct the respondent to stop the unauthorisation construction in S.No.27/1, VGP Prabhu Nagar (Part II) No.20, Perumbakkam, Chennai -100.

For Petitioner : No appearance

For 1st Respondent : Mr.A.N.Thambidurai
Special Government Pleader

For 2nd Respondent : Mr.V.Ramana Reddy
For J.Murugeswari

O R D E R

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

There is no representation on behalf of the Petitioner. Heard
the Learned Special Government Pleader for the 1st Respondent.

2.The case of the Petitioner is that he and his brother are having possession and enjoyment of the property in S.No.27/1, VGP Prabhu Nagar (Part II), No.20, measuring an extent of 2100 sq. ft. and that both are enjoying the property jointly till date. All of a sudden, his brother, without getting any approval from the concerned authorities and refusing to leave set back to the building, illegally started construction in the aforesaid property. In this regard, the Petitioner send a representation to the 1st Respondent on 01.12.2016 seeking to inspect the construction and stop the unauthorised construction. According to the Petitioner, till date, no action has been taken by the 1st Respondent.

3.The 2nd Respondent had filed a counter stating that based on the representation of the Petitioner, the 1st Respondent/appropriate authority inspected the property after knowing the reality, advised his brother and myself to apply for regularisation in regard to the existing construction by paying proper fee and to avoid unnecessary litigation. Further, the 2nd Respondent's regularisation application is pending for consideration before the concerned authority. Also that, the Petitioner had put up

construction simultaneously, immediately after partition the property mutually.

4. In view of the above, this Court, without expressing any opinion on the merits of the matter, directs the 1st Respondent/ Commissioner, St. Thomas Mount Panchayat Union, Chitalapakkam, Chennai to consider the representation of the Petitioner dated 1.11.2016 and to dispose of the same [if not already disposed of] on merits and in accordance with law, after hearing the Petitioner as well as the 2nd Respondent, within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of, with the above direction. No costs.

(M.V., J.) (S.V.N., J.)
20.02.2018

Speaking Order
Index : Yes / No
Internet : Yes / No
Sgl

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M.VENUGOPAL, J.
and
S.VAIDYANATHAN, J.

Sgl

To

- 1.The Commissioner,
St. Thomas Mount Panchayat Union,
Chitalapakkam, Chennai.
- 2.The Government Advocate,
High Court, Madras.



W.P.No.10093 of 2017

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