

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.11200/2018 & WMP.No.13124/2018

K.A.Abinaya Janani

Petitioner

Versus

- 1.The District Collector
O/o.Kancheepuram Collectorate
Kancheepuram 631 501.
- 2.The Commissioner
Kundrathur Panchayat Union at Padappai
Padappai, Kancheepuram District.
- 3.The Executive Officer
Iyaappanthagal Town Panchayat
Kundrathur panchayat Union
Sriperumbudur Taluk
Chennai 600 056.
- 4.The Chairman
Chennai Metropolitan Development Authority
No.8, Gandhi Irwin Road, Egmore
Chennai 600 008.

5.Ameresan

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to take appropriate action against the 5th respondent and remove the unauthorised construction made by the 5th respondent in Plot No.101, at 6th Street, EVP Prabhu Avenue, Koluthuvancherry Village, Sriperumbudur Taluk, Kancheepuram District, Chennai 600 0122, as detailed in the petitioner representation dated 23.04.2018.

For Petitioner : Mr.R.Subburaj
For RR 1 to 3 : Mr.A.N.Thambidurai, Spl.GP
For R4 : Mr.K.Raja Srinivas

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.K.Raja Srinivas, learned Standing counsel accepts notice on behalf of the 4th respondent.

2 The petitioner claims to be the owner of the flat bearing No.F1, First Floor, Saais Pushpam Apartment, Plot No.102, 6th Street, EVP Prabhu Avenue, Koluthuvancherry village, Sriperumbudhur Taluk, Kancheepuram District. According to him, the 5th respondent, who is the owner of the adjacent plot bearing plot No.101, started putting up a construction unauthorisedly without leaving any setback whatsoever and the petitioner, in this regard, has submitted a representation dated 23.04.2018 to the respondents and despite receipt and acknowledgment, no action has been taken so far to remove the encroachment and hence, the petitioner came forward to file the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner ; Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.K.Raja Srinivas, learned Standing counsel appearing for the 4th respondent and also perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 3rd respondent to cause inspection of the premises, viz., Saais Pushpam Apartment, Plot No.102, 6th Street, EVP Prabhu Avenue, Koluthuvancherry Village, Sriperumbudur Taluk, Kancheepuram District as well as the Flat owned by the 5th respondent, bearing Plot No.101, in the very same street, after putting the petitioner as well as the 5th respondent on notice, and find out whether the superstructure that exist in Plot No.102, Saais Pushpam Apartment, 6th Street, EVP Prabhu Avenue, Koluthuvancherry Village, Sriperumbudur Taluk, Kancheepuram District as well as the alleged on-going construction being undertaken by the 5th respondent in Plot No.101, is authorised / deviated / unauthorised and the said exercise is to be carried out within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, 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 to the 5th respondent herein.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
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Kancheepuram 631 501.
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- 4.The Chairman
Chennai Metropolitan Development Authority
No.8, Gandhi Irwin Road, Egmore
Chennai 600 008.

+1cc to Mr.R.Subburaj, Advocate sr.no.32018
+1cc to Mr.K.Raja Srinivas, Advocate sr.no.32523
+1cc to Government Pleader in sr.no.32932

na(co)
nr 07/06/2018

WP.No.11200/2018

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