

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23924 of 2010

and MP.No.1 of 2010

Umamaheswari

... Petitioner

Vs.

1.Block Development Officer,
Puzhal Panchayat Union,
Madhavaram Taluk,
Thiruvallur District.

2.K.Vijayalakshmi ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent herein to take immediate action to stop construction of unauthorized/deviated building by the 2nd respondent herein/ Mrs K. Vijayalakshmi or any oneclaiming under her or her Nominee/s at plot No. 1889, MIG type, TNHB Madhavaram Scheme comprised in Survey No.61 part, Mathur village, Madhavaram taluk, Thiruvallur district within the limits of Puzhal Panchayat Union.

For Petitioner : Mr.V.P.Sengottuvel
For R1 : Mr.J.Ramesh, AGP
For R2 : Mr.S.Chandrabose

ORDER

The prayer made in this writ petition is to issue a mandamus directing the first respondent to take immediate action to stop construction of unauthorized/deviated building by the second respondent at plot No. 1889, MIG type, TNHB Madhavaram Scheme comprised in Survey No.61 part, Mathur Village, Madhavaram Taluk, Thiruvallur District.

2.When the matter was taken up for consideration, the learned counsel for the second respondent, on instructions, submitted that the second respondent has given an undertaking to demolish the construction made in the plot in question and to make construction, after obtaining planning permission from the competent authority. The learned counsel also filed an affidavit of undertaking dated 27.06.2018 given by the second respondent to that effect. For better appreciation, the relevant portion of

the said affidavit is extracted hereunder:

"I undertake to demolish whatever construction made in the said plot. I further undertake that after such demolition, I will make fresh application with fresh plan for approval to the competent authority and then I will make construction as per the approval granted in respect of the said plan."

3. In the light of the above submission made by the learned counsel for the second respondent and also the affidavit of undertaking given by the second respondent on 27.06.2018, this Court is of the view that it is unnecessary to pursue this writ petition any further. Hence, recording the same, this writ petition stands closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. Block Development Officer,
Puzhal Panchayat Union,
Madhavaram Taluk,
Thiruvallur District.

+1cc to Mr. V. P. Sengottuvel, Advocate, S.R.No.42160

+1cc to Mr. S. Chandrabose, Advocate, S.R.No.42163

+1cc to the Government Pleader, S.R.No.42756

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KGK(CO)
GSP(01/08/2018)

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