

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.28262 of 2018

Banupriya

.. Petitioner

Vs.

1. The Secretary to Government,  
Housing and Urban Development Department,  
Fort St.George, Chennai - 600 009.
2. The Commissioner,  
Directorate of Town and Country Planning,  
Chengalvarayan Building,  
4<sup>th</sup> & 5<sup>th</sup> Floor, No.807, Anna Salai,  
Chennai - 600 002.
3. The Commissioner,  
Thiruverkadu Municipality,  
Thiruverkadu, Tiruvellore District.
4. Muthukumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 3 to take further action in pursuant to the order in Ref.Nil dated 21.05.2018 and the letter in Ref.Na.Ka.693/2018/F1 dated 05.06.2018 issued by the 3<sup>rd</sup> respondent for the illegal construction at Plot No.79 and 81-A of Moovendar Nagar Phase-I comprised in Survey No.140/1 part of Noombal Village, Ambattur Taluk, Thiruvallur District in a time bound period.

For Petitioner : Mr.K.Mohanamurali

For Respondents: Mr.S.Kamalesh Kannan,  
Government Advocate (R1 & R2)  
Mr.R.Mohandoss (R3)  
Mr.V.Rameshvel (R4)

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents 1 to 3 to take further action in pursuant to the order dated 21.05.2018 and the letter dated 05.06.2018 issued by the 3<sup>rd</sup> respondent for the illegal construction at Plot No.79 and 81-A of Moovendar Nagar Phase-I comprised in Survey No.140/1 part of Noombal Village, Ambattur Taluk, Thiruvallur District.

2. When the Writ Petition is taken up for hearing, the learned counsel for the 4<sup>th</sup> respondent submitted that the notice dated 21.05.2018 issued by the 3<sup>rd</sup> respondent, which is annexed at page-25 of the typed set of papers, has not been served on the 4<sup>th</sup> respondent, therefore, the 4<sup>th</sup> respondent had no opportunity to file his reply to the said notice.

3. The learned counsel appearing for the respondents 1 to 3 submitted that the 4<sup>th</sup> respondent may be directed to send his reply to the notice dated 21.05.2018, which is annexed at page-25 of the typed set of papers within a time frame and on receipt of the same, the 3<sup>rd</sup> respondent may be directed to proceed further.

4. The learned counsel for the 4<sup>th</sup> respondent also submitted that the 4<sup>th</sup> respondent would give his reply to the notice dated 21.05.2018 within two weeks time.

5. In view of the submissions made by the learned counsel on either side, we direct the 4<sup>th</sup> respondent to give his reply to the notice dated 21.05.2018, which is annexed at page-25 of the typed set of papers, to the 3<sup>rd</sup> respondent within two weeks from the date of receipt of a copy of this order and on receipt of the same, the 3<sup>rd</sup> respondent shall pass appropriate orders after considering the reply to be given by the 4<sup>th</sup> respondent and shall take appropriate further action in accordance with law.

6. With these observations, the Writ Petition is disposed of. No costs.

va

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

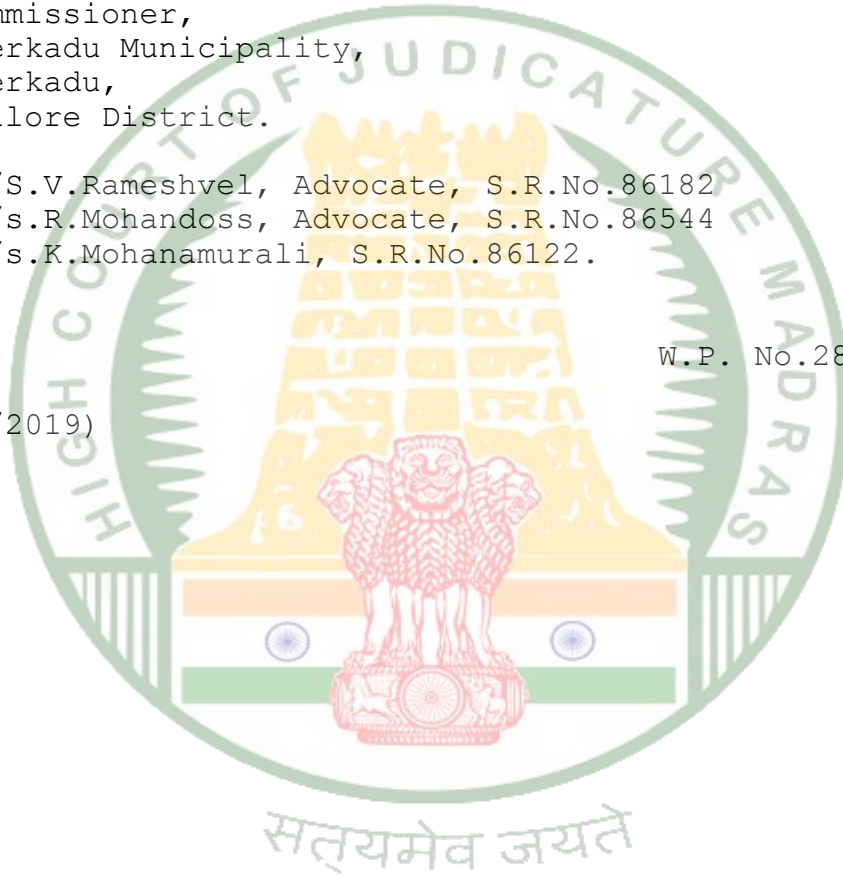
To

1. The Secretary to Government,  
Housing and Urban Development Department,  
Fort St.George, Chennai - 600 009.
2. The Commissioner,  
Directorate of Town and Country Planning,  
Chengalvarayan Building,  
4<sup>th</sup> & 5<sup>th</sup> Floor, No.807, Anna Salai,  
Chennai - 600 002.
3. The Commissioner,  
Thiruverkadu Municipality,  
Thiruverkadu,  
Tiruvellore District.

+1cc to M/S.V.Rameshvel, Advocate, S.R.No.86182  
+1cc to M/s.R.Mohandoss, Advocate, S.R.No.86544  
+1cc to M/s.K.Mohanamurali, S.R.No.86122.

W.P. No.28262 of 2018

CP(CO)  
KAK(04/01/2019)



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