

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.08.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.6600 of 2019

V.Ravindran

.. Petitioner

Vs

- 1 The District Collector
Kancheepuram
Kancheepuram District.
- 2 The Thasildar
Taluk Office
Tambaram
Chennai - 45.
- 3 The Executive Officer
Peerankaranai Town Panchayat
Peerankaranai
Chennai - 63.
- 4 Baskar Murugasamy
Sole Proprietor of V4U Homes
having office at No.76
Velachery Main Road
1st Floor, Mahalakshmi Nagar
Chennai - 73.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to remove the illegal construction made in the ground floor (stilt portion) and also in the terrace common place such as bath room and a portion put up by the 4th respondent by way of unauthorized construction at Peerankaranai Village, Tambaram Taluk, Kancheepuram District comprised in Survey No.173/1, 2, 3, 4(part), Samrajaya Nagar, bearing Plot No.88, measuring an extent of 2746 sq.ft. and remove the illegal structure put up by the 4th respondent without any proper approval.

For Petitioner

: Mr.T.Ramachandran

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1 to 3

Mr.Giridhar
for 4th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard Mr.T.Ramachandran, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) appearing for respondents 1 to 3 and Mr.Giridhar, learned counsel for the fourth respondent.

2. The prayer of the petitioner is that directions be issued to respondents 1 to 3 to remove the illegal construction made by the fourth respondent in the ground floor (stilt portion) and also in the terrace and other areas at Peerkankaranai Village, Tambaram Taluk, Kancheepuram District comprised in Survey No.173/1, 2, 3, 4(part), Samrajaya Nagar, bearing Plot No.88, measuring an extent of 2746 sq.ft.

3. The learned Government Pleader (i/c.) has drawn our attention to the counter affidavit of the third respondent, i.e., the Executive Officer, Peerkankaranai Town Panchayat, Chennai, wherein it is stated that in relation to the construction put up by the fourth respondent, they have issued a notice dated 3.4.2019 directing the fourth respondent to remove the portions which are in violation of the planning permission, failing which action will be taken by them to remove the same. The learned Government Pleader (i/c.), thereafter, handed over a notice dated 4.7.2019 issued by the third respondent. The said notice is issued to the fourth respondent and it is a Demolition Notice issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971.

4. Thus, it is seen that the authorities are taking action in relation to the unauthorized construction put up by the fourth respondent.

In view of the above, no further orders are required in this petition and the same is disposed of accordingly. However, it is made clear that it is always open to the fourth respondent to file an appeal against the said demolition notice in accordance with law. No costs.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

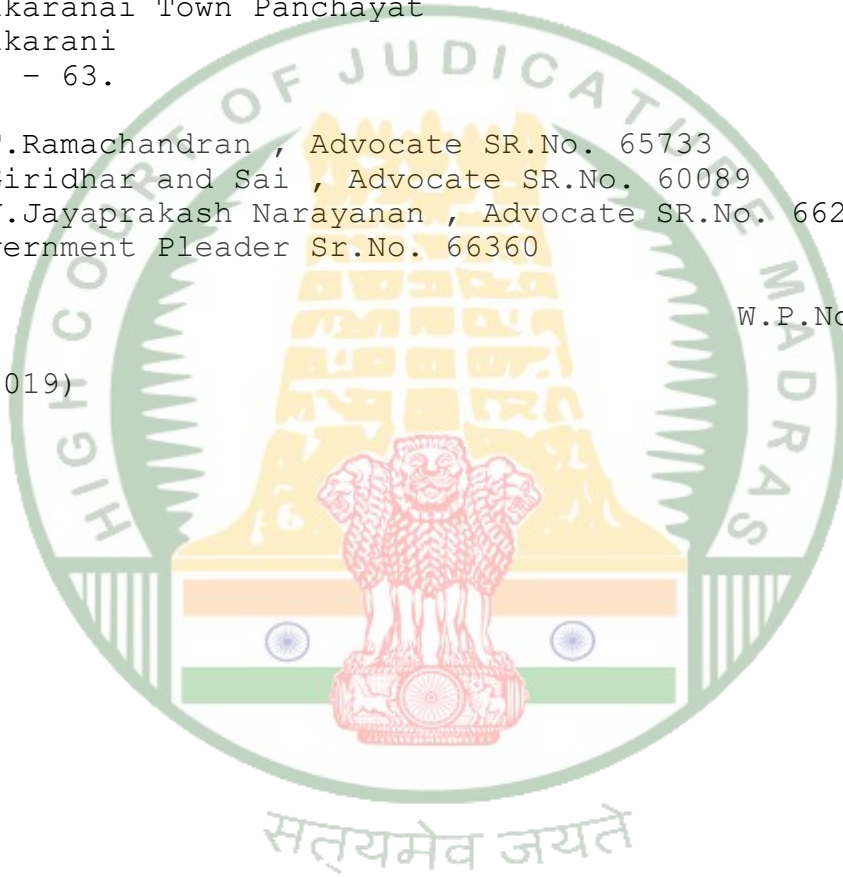
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To:

- 1 The District Collector
Kancheepuram
Kancheepuram District.
- 2 The Thasildar
Taluk Office
Tambaram
Chennai - 45.
- 3 The Executive Officer
Peerankaranai Town Panchayat
Peerankarani
Chennai - 63.

+1cc to Mr.T.Ramachandran , Advocate SR.No. 65733
+1cc to Mr.Giridhar and Sai , Advocate SR.No. 60089
+1cc to Mr.V.Jayaprakash Narayanan , Advocate SR.No. 66294
+1 cc to Government Pleader Sr.No. 66360

ppa (CO)
A.SK(05/09/2019)

W.P.No.6600 of 2019



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