

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN**

Writ Petition No.30327 of 2019

and

W.M.P.No.30326 of 2019

Sri Panduranga Venugana Baktha Jana
Sabha Koil Sangam
Reg.No.101/2019,
represented by its President
N.Krishnaveni,
No.15/D, Sheikpet,
Saaliyur South Street,
Kancheepuram Town and District - 631 501.

... Petitioner

Vs

1.The Commissioner,
Kancheepuram Municipality,
No.52 & 53, Annai Indira Gandhi Street,
Kancheepuram - 631501.

2.Saraswathy
W/o.Ethirajan Chettiar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing first respondent to remove
the unauthorized construction made by second respondent in T.S.No.2000/1

at No.15/D/3, Sheikpet, Saaliyur South Street, Kancheepuram Town in II Division, Kancheepuram District.

For Petitioner : Mr.R.Subburaj

For Respondents : Mr.G.B.Rajesh [R1]
Mr.A.Sundaravadanan for
Mr.S.Saravanan [R2]

ORDER

[Order of this Court was made by **R.SUBBIAH, J**]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing first respondent to remove the unauthorized construction made by second respondent in T.S.No.2000/1 at No.15/D/3, Sheikpet, Saaliyur South Street, Kancheepuram Town in II Division, Kancheepuram District.

2. Heard learned counsel for petitioner and learned counsel for respondents.

3. Learned counsel for petitioner submits that the petitioner is a temple. The vacant site belonging to petitioner temple was leased out to

one Ethirajan on monthly rent. After his demise, the second respondent is in occupation of the property and she had put up a thatched hut in the property. While so, on 20.01.2014, petitioner temple issued a termination notice stating that the temple is in need of the property for the purpose of constructing primary school. Pursuant thereto, petitioner temple filed a suit in O.S.No.81 of 2014 on the file of learned Principal District Munsif, Kancheepuram for recovery of possession. When matter stood thus, the second respondent, without obtaining permission from the local authority or the petitioner temple, had put up a permanent superstructure in the subject property. Therefore, in this regard, petitioner temple has given a representation dated 20.09.2019 to first respondent and local planning authority and higher authorities. Despite issuance of Stop Work Notice under the Tamil Nadu Town and Country Planning Act, the second respondent is proceeding with the construction. Hence, the present Writ Petition has been filed seeking the aforesaid relief.

4. Learned standing counsel for first respondent, relying on the counter, submits that the first respondent has issued 'Lock and Seal Notice' and if the second respondent does not comply with the conditions stated in

the said notice, necessary action will be taken as per law. Learned standing counsel further submits that the first respondent will issue another notice towards removing the articles kept in the premises.

5. The submission of learned standing counsel for first respondent is recorded. In the aforestated circumstance, there is no necessity to issue any direction to the first respondent to take action on the petitioner's representation dated 20.09.2019. However, the first respondent is directed to speed up the process and complete the same within a period of four weeks from the date of receipt of this order.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

[R.P.S., J]

[R.P.A., J]

09.12.2019

Index:yes/no,
Internet:yes
gm

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Writ Petition No.30327 of 2019

R.SUBBIAH, J
and
R.PONGIAPPAN, J

gm

To

The Commissioner,
Kancheepuram Municipality,
No.52 & 53, Annai Indira Gandhi Street,
Kancheepuram - 631501.



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