



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

W.P.No.18078 of 2020
and
W.M.P.No.22461 of 2020

Bhavani

... Petitioner

.Vs.

1. The Municipal Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai - 43.

2.D.Sudhakar

3.S.Vijayakumar

4.B.Kuselan

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st Respondent herein to consider the Petitioner's representation dated 28.9.2020.

For Petitioner: Mr.K.Sankaran

For R1 : Mr.P.Srinivas, Standing Counsel

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

The petitioner would state that she and the respondents 2, 3 and 4 are the legal heirs of Late B.Pusparani, who purchased the landed property, admeasuring an extent of 9156 sq.ft. at Natesan Salai, Zamin Pallavaram, Chennai - 600 117, in Survey Nos.65/2 and 65/3, vide registered Document No.2981/1964 on the file of the office of the Sub-Registrar, Pallavaram.

2.Learned counsel appearing for the petitioner would state that, after the demise of B.Pusparani, the property was jointly enjoyed by the legal heirs of Late B.Pusparani, viz., the petitioner herein and the respondents 2, 3 and 4, without any division by metes and bounds. However, the respondents 2,3 and 4



without obtaining any planning permission/building permission, started putting up unauthorised construction upon the portion of the said land and the representations, dated 26.08.2020 and 28.09.2020, submitted by the petitioner in this regard, have failed to evoke any kind of response, and therefore, the petitioner came forward to file this writ petition.

3.Mr.P.Srinivas, learned Standing Counsel, accepts notice on behalf of the 1st respondent, and would submit that, acting upon the said representations, inspection was caused, and it revealed that the construction, measuring 6.7 m x 13.2 m, is going on in the part of the said survey number, and having noted this unauthorised construction, action has been initiated by issuing notice, dated 12.10.2020, and he would further add that the representations submitted by the petitioner in this regard would be given disposal.

4.This Court has carefully considered the rival submissions and also perused the materials placed before it.

5.This Court, by taking into consideration the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in the representations or in the present writ petition, directs the 1st respondent to consider and dispose of the petitioner's representations, dated 26.08.2020 and 28.09.2020, on merits and in accordance with law, and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order/uploading of this order in the website, and communicate the decision taken to the petitioner as well as the private respondents.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mkn
To
The Municipal Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai - 600 043.

+1cc to Mr.K.Sankaran, Advocate, S.R.No.41815

W.P.No.18078 of 2020

rr ii (21.01.2021)