



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 642 of 2021

Dr. A.Kumar

... Petitioner

Vs.

1. The Commissioner
Pammal Municipality
Pammal, Chennai - 75.

2. P.V.Arulkumaran
3. P.V.Elango
4. P.V.Umapthy
5. P.V.Kalaimagal
6. P.V.Soundar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the First Respondent to take action on the Petitioner's representation / complaint dated 06.10.2020 with regard to the illegal construction of shops (4 nos.) put up by the Respondents 2 to 6 at Plot No. 1-B, Hindustan Lever Colony, Polichalur Main Road, Pammal, Chennai - 600 075, violating the planning permit P.P. No. 204 of 2004 dated 15.06.2004 without obtaining revised plan from the planning authorities under Tamil Nadu Development and Building Rules 2019 and violating the Flat Promoters Regulation Act and Rules and the Town and Country Planning Act and Municipal Commercial Building Rules.

For Petitioner : Mr. K.S.Senthilkumar

For Respondents: Mr. P.Srinivas (For R1)
Mrs. M.D.Leelavathi (For R2 to R6)

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The Petitioner has come before this Court seeking Writ of Mandamus directing the First Respondent to take action against the private Respondents/ Second to Sixth Respondents for



violating the planning permission dated 15.06.2004.

2. The Petitioner contends that he purchased two shops, viz., shop Nos. 3 and 4, vide Document No. 1800 of 2008 dated 07.05.2008 from the Fourth Respondent, who is the owner of the property and other private Respondents are siblings of the Fourth Respondent. Though the building has been constructed after obtaining planning permission vide Planning Permit No. 204 of 2004 dated 15.06.2004, it is not constructed according to the planning permit and there are violations. Therefore, the Petitioner has given representation/complaint dated 21.09.2020 and 06.10.2020 and a lawyer's notice dated 12.11.2020. Since no action has been taken, the Petitioner has come before this Court.

3. Heard Mr. K.G.Senthilkumar, Learned Counsel for the Petitioner, Mr. P.Srinivas, Learned Counsel appearing for the First Respondent and Mrs. M.D.Leelavathi, Learned Counsel appearing for the Second to Sixth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

4. Mrs. M.D.Leelavathi, Learned Counsel appearing for the private Respondents submits that the Fourth respondent is the owner and the Petitioner's purchased the property bearing shop Nos. 3 and 4. In 2018, the building has been modified constructing few shops and they applied for revised plan, but no order has been passed by the authorities in this regard.

5. Mr. P.Srinivas, Learned Counsel appearing for the First Respondent submits that on inspection it is found that there is a deviation in the construction.

6. In view of the above factual position, the First Respondent is directed to make re-inspection, after giving notice to the Petitioner as well as the Fourth Respondents /owner of the property and consider the Petitioner's representation/complaint, after giving opportunity of personal hearing to the Petitioner as well as the Fourth Respondent to file documents and pass orders on its own merits, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar



Maya

To

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1. The Commissioner
Pammal Municipality
Pammal, Chennai - 75.

+1cc to Mr.K.G.Senthilkumar, Advocate, S.R.No.28215

W.P. No. 642 of 2021

PL (CO)
CB (22/07/2021)