



W.P.No.16878 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.16878 of 2016
and
W.M.P.No.14466 of 2016

G.Gnanasundaram

...Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Office of the Collectorate,
Kancheepuram.

2.The Block Development Officer,
Lathur Panchayat Union,
Cheyyur Taluk,
Kancheepuram District.

3.Soundararajan

4.Koovathur Panchayat President,
Koovathur Post, Cheiyur Taluk,
Kancheepuram District.

...Respondents

(R4 – impleaded vide order dt.29.09.2022 made in
WMP.19857/2016 in WP.16878/2016 by RSMJ,KBJ)



W.P.No.16878 of 2016

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's representation dated 04.03.2016 and to take action against the illegal construction put up by the 3rd respondent.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader for R1
Mr.K.V.Sajeev Kumar for R2 & R4
Mr.M.L.Ramesh for R3

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The prayer in the writ petition reads as follows:-

“directing the 2nd respondent to dispose of the petitioner's representation dated 04.03.2016 and to take action against the illegal construction put up by the 3rd respondent.”

2.Mr.M.L.Ramesh, learned counsel appearing for the 3rd respondent would submit that the necessary planning permission has been obtained for



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construction of shop on 03.09.2007 and for construction of residential building on 10.09.2020. He would also contend that the petitioner who sued for declaration of title and injunction in respect of this very property having failed before the civil Court is trying to wreck vengeance by filing this writ petition. The copies of planning permission as well as the revenue documents that stand in the name of the 3rd respondent have also been filed.

3.Mr.S.Venkatesh, learned counsel appearing for the petitioner would contend that the planning permission have been obtained only for the ground floor but the 3rd respondent is putting up construction in the first floor.

4.The prayer sought is for a mandamus to take action for construction in violation or deviation of the sanctioned plan. We see no necessity to keep this writ petition pending, since we find that the pendency of this writ petition has been misused and the Block Development Officer has suspended the planning permission granted to the 3rd respondent because of the pendency of this writ petition. Therefore, the writ petition is disposed of with a direction to the Authorities to take action if there is any violation of the



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planning permission or any un-authorized construction that is put up by the 3rd

respondent. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
29.09.2022

kkn

Index:No
Internet:Yes
Speaking



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To:-
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Kancheepuram District,
Office of the Collectorate,
Kancheepuram.
- 2.The Block Development Officer,
Lathur Panchayat Union,
Cheyyur Taluk,
Kancheepuram District.
- 3.Koovathur Panchayat President,
Koovathur Post, Cheiyur Taluk,
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KKN

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