



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.6837 OF 2022

K.Kasturi

...Petitioner

vs

1.The Director,
Tamil Nadu Town and Country Planning,
Anna Salai, Chennai - 600 002.

2.The Municipal Commissioner,
391, New Military Rd.,
Thirumalai Rajapuram,
TNHB Mig V Block, Avadi,
Tamil Nadu 600 071.

3.Special Thasildar,
Avadi,
Tamil Nadu 600 071.

4.Venugopal

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents 1 & 2 to take action against the fourth respondent as per the 'Stop Work' Notice issued by the second respondent dated 22.07.2021.

For Petitioner : Ms.M.Malini

For Respondents : Mr.K.V.Sajeev Kumar,
Special Government Pleader
for R1 & 3

Mr.P.Srinivas,
Standing Counsel for R2

ORDER

[Order of this Court was delivered by T.RAJA, J.]

K.Kasturi, Wife of M.Krishnan @ Kistappa Naidu, the petitioner herein has filed this petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus



directing respondents 1 & 2 to take action against the fourth respondent as per the 'Stop Work Notice' issued by the second respondent.

2.Learned counsel appearing for the petitioner submitted that a part of the schedule mentioned property was mortgaged by the petitioner's husband to the fourth respondent, who is her husband's uncle's son way back on 14.07.1950 with a written acknowledgment to that effect. Thereafter, the petitioner's husband requested the fourth respondent's father, namely, his uncle to retain the original title deeds, since he was not in a position to collect the title deeds. After her husband's demise on 12.05.1989, the title deeds were not duly returned by the fourth respondent's father, who had stated that the documents could have been misplaced. After the demise of the fourth respondent's father, the title deeds were unlawfully retained by his son and their family. Since the fourth respondent settled the property in S.No.192/1 T.S.No.30 in favour of his three sons, V.Vinoth Kumar, V.Prabhu and V.Sukumar, the fourth respondent's son V.Prabhu obtained patta for T.S.No.28, which is the schedule mentioned property. Learned counsel for the petitioner further submitted that the fourth respondent's son had taken steps to build shop/commercial establishment and tried to obtain electricity connection. In this regard, the petitioner has given representation and complaint to the appropriate authorities to take legal steps to stop the construction activities in her husband's property. Although a 'Stop Work Notice' dated 05.08.2021 was issued by the Commissioner, Avadi Municipality, the second respondent herein to stop construction, the fourth respondent had wrongfully commenced construction of shop. Therefore, the petitioner is before this Court.

3.Learned Standing Counsel appearing for the Municipal Commissioner, the second respondent herein submitted that since action has been initiated by issuing 'stop work notice' to stop the construction made by the fourth respondent, further action will be duly taken by the authorities.

4.Recording the submission made by the learned Standing Counsel appearing for the Municipal Commissioner, the second respondent herein to the effect that further action will be taken by the authorities to stop the construction work, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

vga



To

1.The Director,
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Anna Salai, Chennai - 600 002.

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Thirumalai Rajapuram,
TNHB Mig V Block, Avadi,
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3.Special Thasildar,
Avadi, Tamil Nadu 600 071.

+1cc to Mr.P.Srinivas, Advocate, Sr.No.20206

+3ccs to Mr.B.Manikandan, Advocate, Sr.No.20162

W.P.No.6837 of 2022

PL(CO)
RVM(06/04/2022)