



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7683 of 2018

S.Varalakshmi @ Shobana

...Petitioner

-vs-

1. The District Collector,
Kanchipuram Collectorate,
Kanchipuram District.
2. The Block Development Officer,
Kattangolathur Panchayat Union Office,
Kattangolathur.
3. The Member-Secretary,
CMDA, No.1, Gandhi Erwin Road,
Egmore,
Chennai-8.
4. M/s.Monni Builders,
No.49/B, Second Street,
Mohan Nagar Main Road,
Maddambakkam,
Chennai-600 126.

5. J.P.Sathyanarayanan
(R5 impleaded as per order dated 8.6.2018 in
WMP.No.12321/2018 in W.P.No.7683/2018)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal constructions put up by the 4th respondent in Survey No.23/1A1 measuring to an extent of 29 cents situated at Puthur Village, Chenglepet Taluk in violation of the CMDA and Municipality Rules and take action against the 4th respondent for the illegal construction.



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For Petitioner : Mr.D.Saikumaran
For Respondents : Mr.K.V.Sajeev Kumar,
1 and 2 Spl.Govt.Pleader
For 3rd Respondent : Mrs.P.Veena Suresh
For 4th respondent : M/s.Adeeb Mohammed
For 5th respondent : Mr.A.E.Ravichandran

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal constructions put up by the 4th respondent in Survey No.23/1A1 measuring to an extent of 29 cents situated at Puthur Village, Chenglepet Taluk in violation of the CMDA and Municipality Rules.

2.The claim of the petitioner is that the 4th respondent has purchased the property adjacent to the petitioner's property at Survey No.23/1A1 measuring to an extent of 29 cents in Puthur Village, Chenglepet Taluk. Since the 4th respondent has without obeying the order passed by this Court in W.P.No.22187/2017 dated 21.08.2017 proceeded with the illegal construction, several representations and reminders dated 03.10.2017, 10.11.2017, 11.01.2018, 23.02.2018 were sent to the respondents 1 to 3 to take action against the 4th respondent as per the order passed by this Court cited above. But, no action is forthcoming. However, the 4th respondent has completed the entire construction and now the painting work is going on. Therefore, the petitioner has been advised to approach this Court by filing the present Writ Petition.

3.Learned Special Government Pleader appearing for the respondents 1 and 2 has placed before us three factors, namely, firstly the land covered in Survey No.23/1A1 measuring to an extent of 29 cents in Puthur Village, Chenglepet Taluk, on record, found to be belonged to one Sasikala. Secondly, in respect of the subject property, the order dated 09.05.2018 passed in W.P.No.12054/2018 filed by one R.Kumar for issuance of Mandamus seeking a direction directing the respondents therein not to take any coercive action pursuant to the locking and sealing and demolition notice in Letter No.1500/2017/B1 dated 20.4.2018 issued by the Special Officer, Nedukunram Panchayat/The Block Development Officer, Kattankulathur



Panchayat Union, Kattankulathur, Kancheepuram District, while disposing of the said writ petition, this Court has granted an order of status quo to be maintained by the parties till the disposal of the appeal filed by Mr.R.Kumar, the petitioner therein. Thirdly, till the disposal of the appeal filed by the 4th respondent before the District Collector under Section 80-A of the Tamil Nadu Town and Country Planning Act is disposed of, the prayer made by the petitioner cannot be entertained.

4.We fully agree with the submissions made by the learned Special Government Pleader appearing for the respondents 1 and 2 that in respect of the subject property, this Court has passed an order of status-quo to be maintained in the W.P.No.12054/2018 dated 09.05.2018 till the disposal of the appeal filed by the 4th respondent therein, therefore, we are unable to entertain the present Writ Petition.

5.At this stage, the learned Counsel for the petitioner requested us to give a direction to dispose of the said appeal.

6.We do not know whether the said appeal is pending or disposed of. Since the land-in-question as per the revenue records belongs to Sasikala from whom the 4th respondent has purchased, it is for the parties to work out their remedy as per law.

7.With the above observation, the Writ Petition is dismissed. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kanchipuram Collectorate,
Kanchipuram District.
2. The Block Development Officer,
Kattangolathur Panchayat Union Office,
Kattangolathur.



3. The Member-Secretary,
CMDA, No.1, Gandhi Erwin Road,
Egmore, Chennai-8.

+1cc to Mr.M.Adeeb Mohammed, Advocate, S.R.No.24227
+1cc to Mr.A.E.Ravi Chandran, Advocate, S.R.No.23761
+1cc to Mrs.P.Veena Suresh, Advocate, S.R.No.23796
+1cc to the Government Pleader, S.R.No.24302

W.P.No.7683 of 2018

SPD (CO)
RGA (25/04/2022)