



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.6923 of 2022

Gayathri Manoharan

...Petitioner

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai-600 003.
2. The Zonal Executive Engineer (Zone-XIV),
No.6/64, Puzhuthivakkam Main Road,
Chennai-600 091.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu Natarajan Building',
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
4. S.Stella

...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 take appropriate action against the 4th respondent for the unauthorized constructions put up by her in Plot No.4 at 1/67, Eshwaran Kovil 2nd Cross Street, Madipakkam, Chennai-600 091 and against the encroachment made by her into the petitioner's property at Plot No.4 (Part) and Plot No.5 (Part) Eshwaran Kovil 2nd Cross Street, Madipakkam, Chennai-91 on the basis of the letter sent by the 3rd respondent in Letter No.EC/S-II/9386/2020 dated 12.10.2020 and on the basis of the representation dated 04.01.2020 made by the petitioner to the respondents.

For Petitioner : Mr.V.S.Jagadeesan



For Respondents : Mr.K.Raja Shrinivas,
Standing Counsel for R1 and 2

Mrs.V.Sumathi, for R3

WEB COPY

ORDER

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

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the 4th respondent for the unauthorized constructions put up by her in Plot No.4 at 1/67, Eshwaran Kovil 2nd Cross Street, Madipakkam, Chennai-600 091 on the basis of the letter sent by the 3rd respondent in Letter No.EC/S-II/9386/2020 dated 12.10.2020 and also on the basis of the representation dated 04.01.2020 made by the petitioner to the respondents.

2. Learned Counsel appearing for the petitioner would submit that one Mr.V.Rajkumar and his father M.Venkatachalam owned a large extent of land in Madipakkam and they were selling the property as per their needs. When Mr.Venkatachalam, father of the alleged V.Rajkumar owning a Plot No.4 having an extent of 2438 sq.ft. has offered to sell 2223 sq.ft. of land retaining the balance of 215 sq.ft., to one Mrs.Stella, she has also come forward to purchase the above said 2223 sq.ft. and accordingly, it was sold by Mr.M.Venkatachalam to the said Stella in Doc.No.6902/2019 dated 06.11.2019 registered in SRO, Velachery after retaining 215 sq.ft. of land. After selling the above said land to Mrs.Stella, the said Venkatachalam has executed a Gift Deed in favour of his son Rajkumar with regard to the remaining 215 sq.ft. of land. Therefore, the said Rajkumar has got absolute right over the said 215 sq.ft. of land. However, the said Stella without obtaining any planning permission from the competent authority put up illegal construction unauthorizedly covering the entire plot of 2223 sq.ft. against the provisions of the District Municipalities Act and Tamil Nadu Town and Country Planning Act and she has also encroached into the petitioner's property. Therefore, a representation was given by the petitioner on 10.02.2020 to various authorities based on which the 3rd respondent herein, namely, the Member Secretary, CMDA, Chennai-8 has forwarded the same to the respondents 1 and 2 herein by letter dated 12.10.2020 for taking necessary action and to submit the action taken report to them at the earliest. In spite of the above, no action has been taken by the respondents 1 and 2. Hence, the petitioner has once again given a representation dated 04.01.2022 to the respondents



seeking to take appropriate action to remove the unauthorized construction. Since no action is forthcoming, the petitioner is before this Court with this Writ Petition.

3. Mr.Raja Shrinivas, learned Standing Counsel takes notice for respondents 1 and 2 and Mrs.V.Sumathi, learned Counsel takes notice for 3rd respondent/CMDA.

4. Learned Standing Counsel for the respondents 1 and 2 would submit that the recommendation made by the 3rd respondent on the petitioner's representation dated 10.02.2020 which was forwarded to the respondents 1 and 2 herein dated 12.10.2020 followed by the petitioner's representation dated 04.01.2022 would be considered by the 2nd respondent herein, within a period of three months. Explaining further, he would submit that firstly, a notice calling upon the encroacher to furnish a planning approval and also the documents showing the title of the land-in-question would be furnished and thereafter, if the 2nd respondent would further satisfy that the claim of the petitioner is genuine, a consequential notice of lock and seal would be given and finally, the encroacher would be visited with de-occupation notice for which he sought for three months time.

5. Recording the same, the present Writ Petition is disposed of thereby granting three months time to the 2nd respondent to consider the recommendation made by the 3rd respondent herein on the petitioner's representation dated 10.02.2020 which was forwarded by the 3rd respondent herein by letter dated 12.10.2020 to the respondents 1 and 2 followed by the representation dated 04.01.2022 and to proceed further in accordance with law, if any encroachment is found as alleged by the petitioner herein, after giving notice to the aggrieved persons.

6. With the above observation and direction, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tsi



To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai-600 003.
2. The Zonal Executive Engineer (Zone-XIV),
No.6/64, Puzhuthivakkam Main Road,
Chennai-600 091.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu Natarajan Building',
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.

+1 CC to Mr.V.S.Jagadeesan, Advocate sr 20167
+1 CC to Mr.K.Raja Shrinivas, Advocate sr 20728.

W.P.No.6923 of 2022

MT(CO)
SP(08/04/2022)