



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.NO.12015 OF 2022
AND
W.M.P.NO.11434 OF 2022

1. K.Thilagavathi
2. K.Bhuvaneshwari

... Petitioners

.Vs.

1. The Commissioner,
Directorate of Town & Country Planning,
Chengalvarayan Building,
807, Anna Salai,
Chennai - 600 002.
2. The Commissioner,
Avadi Municipality,
391, New Military Road,
Thirumalai Rajapuram,
Chennai - 600 071.
3. P.Senthil Kumar
4. S.Sumathi

... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the second respondent to consider the representations dated 06.09.2021, 26.10.2021, 01.04.2022, 05.04.2022 & 08.04.2022 and to initiate necessary action against the 3rd and 4th Respondents for raising illegal constructions at Plot No.75, Subash Street, Sri Devi Vaishnavi Nagar, Thirumullaivoyal, Chennai - 600 062 in violation of rules envisaged under the Tamil Nadu Town & Country Planning Act, 1971.



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For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.S.Prabakaran
Government Advocate
For R1

ORDER

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

The writ petition has been filed for issuance of a writ of mandamus directing the second respondent to consider the representations dated 06.09.2021, 26.10.2021, 01.04.2022, 05.04.2022 and 08.04.2022 and to initiate necessary action against the third and fourth respondents.

2. It is the case of the petitioners that they are the owners of the properties at Plot Nos.76-A and 76-B comprised in Survey No.698/1 and the respondents 3 and 4 being the owners of the adjacent property, put up illegal construction abutting the wall of the petitioners' house. Despite several requests made by the petitioners to demolish the illegal construction, the respondents 3 and 4 not only refused to stop the construction but also threatened the petitioners. Therefore, the petitioners made several representations to the second respondent and consequent to the representation dated 06.08.2021, the second respondent issued a notice dated 18.08.2021 calling for the approved plan, which was not responded to by respondents 3 and 4. The petitioners made several representations including the last one dated 08.04.2022. Since no action is taken on the representations of the petitioners, the present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioners and Mr.S.Prabakaran, learned Government Advocate accepts notice on behalf of the first respondent and submits that the representations of the petitioners will be considered and appropriate orders will be passed within the time to be stipulated by this Court.

4. Considering the submissions made, without going into the merits of the case, the second respondent is directed to consider the representations of the petitioners and pass orders on merits and in accordance with law, strictly within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioners as well as respondents 3 and 4.



5. With the above direction, writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(OS-I)
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

mmi/nsd

To

1. The Commissioner,
Directorate of Town & Country Planning,
Chengalvarayan Building,
807, Anna Salai,
Chennai - 600 002.
2. The Commissioner,
Avadi Municipality,
391, New Military Road,
Thirumalai Rajapuram,
Chennai - 600 071.

+lcc to Mr.V.Raghavachari, Advocate, S.R.No.31142
+lcc to the Government Pleader, S.R.No.31282

W.P.NO.12015 OF 2022

RK(CO)
PBS/12/05/2022