



W.P.No.16402 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

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

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B.Gowrisankari

...Petitioner

Vs.

- 1.The Commissioner,
Avadi Corporation,
N.M.Road, Avadi,
Chennai.
- 2.The Commissioner,
Villivakkam Panchayat Union @ Ambattur,
Chennai.
- 3.The President / Executive Officer,
Vanagaram First Grade Panchayat,
Villivakkam Panchayat Union,
Vanagaram, Chennai.
- 4.The Member Secretary,
CMDA, Chennai.
- 5.The Assistant Director of Panchayats,
Tiruvallur.



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6.The Assistant Engineer,
TANGEDCO (Formerly TNEB),
Vanagaram, Chennai.

7.M.Suryaprabha

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents to take appropriate steps pursuant to the notice dated 02.07.2019 and demolish the illegal structure comprised of 3 floors at Plot No.5, Sri Balaji Nagar, 3rd Street, Vanagaram, Chennai – 600095 belongs to the 7th respondent and consequently direct the 2nd respondent to cancel the Layout Permission issued in proceedings No.R.C.No.1545/2018/A3 dated 16.09.2019 as illegal, Void-abinitio.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.R.Gopinath for R1

Mr.K.V.Sajeevkumar

Special Government Pleader for R2 & R3

Mr.R.Thamaraiselvan for R4

Mr.V.Nanmaran

Additional Government Pleader for R5

Mr.L.Jaivenkatesh for R6

Mr.Su.Srinivasan for R7



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ORDER

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

Since a complaint was made that a construction put up by the 7th respondent is in violation of the planning permission granted by the Commissioner, Villivakkam Panchayat Union namely, the 2nd respondent, we had directed him to inspect the property and file a report.

2.A status report has been filed by the Commissioner, Villivakkam Panchayat Union. It reveals that the violations are alarming. There is no set back on three sides and a set back of 23 centimetres is provided on one side. It is also claimed by the learned Government Pleader that the entire second floor has been constructed whereas the planning permission was granted only for a portion of it.

3.In view of the factual position that there are violations in the building, the 2nd respondent is directed to take appropriate action under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act. It will be open to the 7th respondent to seek remedies as available to him either for regularization or for waiver of the requirement of the planning permission



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also. If any such application is made, it will be considered by the authorities strictly in accordance with the provisions of the Tamil Nadu Town and Country Planning Act. The 2nd respondent shall proceed with the enforcement action to its logical conclusion.

4.This Writ Petition is disposed of with the above observations.

No costs.

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

16.11.2022

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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and
K.KUMARESH BABU, J.

KKN

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