

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.25645 of 2021

S.Mahadevan

...Petitioner

Vs.

1. The Commissioner,
Corporation of Avadi,
Avadi,
Chennai - 600 054.
2. The Tahsildar,
Avadi,
Chennai - 600 054.
3. R.Giridharan
4. S.Mala

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to demolish the unauthorised construction made by the third respondent in Door No.185 comprised in Survey No.716/1 situated at Thiruvallur District, Avadi Taluk, Paruthipattu village, ward I, Block 16, T.S.No.4, Door No.187, N.M.Road, measuring to an extent of 840 sq.ft and further remove the encroachment made by the 3rd respondent and the 4th respondents, comprised in Survey No.716/1 situated at Thiruvallur district, Avadi Taluk, Paruthipattu village, Ward I, Block 16, T.S.No.4, Door No.187, N.M.road, measuring to an extent of 840 sq.ft belongs to the petitioner and protect the side set back left in his plot.

For petitioner : Mr.U.Karunakaran

For respondents : Mr.P.Srinivas
Standing Counsel (for R1)

Mr.R.Siddharth
Govt. Advocate (for R2)

Mr.S.Parthasarathy (for R3)

Mr.A.E.Ravichandran (for R4)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

We have heard Mr.U.Karunakaran, learned counsel for the petitioner, Mr.P.Srinivas, learned Standing Counsel appearing for the first respondent, Mr.R.Siddharth, learned Government Advocate appearing for the 2nd respondents, Mr.S.Parthasarath, learned counsel appearing for the 3rd respondent and Mr.A.E.Ravichandran, learned counsel appearing for the 4th respondent.

2.The petitioner has come up with this writ petition seeking a direction to the respondents 1 and 2 to remove the encroachment made by the respondents 3 and 4 and also unauthorised construction put up by the third respondent at Door No.185 in Survey No.716/1 in Paruthipattu village, Avadi Taluk, Thiruvallur District.

3.The learned counsel appearing for the petitioner would state that it would suffice, if a direction is given to the respondents 1 and 2 to take action on the representation of the petitioner.

4.The learned Standing Counsel appearing for the first respondent Mr.P.Srinivas would state that based on the representation of the petitioner, notices have been issued to the respondents 3 and 4 for production of the approved plan, but so far no reply has been received and based on the reply, further action would be taken in accordance with law.

5.The learned counsel appearing for the respondents 3 and 4 would submit that the second respondent has given report based on the building plan approval, but the title documents of the respondents 3 and 4 have not been verified and no survey has been conducted on the properties of the respondents 3 and 4. It is next submitted that the private respondents have constructed the building in accordance with the approved plan and there is no encroachments nor violation of the approved plan.

6.In the light of the above submissions of the learned counsels, we hereby direct the second respondent to conduct survey on the properties of the petitioner and the respondents 3 and 4 and submit a report to the first respondent. If the buildings are constructed in violations of the approved plan, the first respondent shall take appropriate action in accordance with law, after affording opportunity of personal hearing to all the necessary parties.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Commissioner,
Corporation of Avadi,
Avadi,
Chennai - 600 054.
2. The Tahsildar,
Avadi,
Chennai - 600 054.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.1169

+1cc to Mr.A.E.Ravichandran, Advocate, S.R.No.1556

+1cc to Mr.U.Karunakaran, Advocate, S.R.No.1749

+1cc to the Government Pleader, S.R.Nos.2031 & 1603

W.P.No.25645 of 2021

GPL(CO)
SU(28/01/2022)