



WEB COPY

W.P.No.27333



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE K. KUMARESH BABU**

**W.P.No.27333 of 2022
and
W.M.P.No.26516 of 2022**

Indra Sasikumar

...Petitioner

Vs.

1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd & 4th Floor, C & E Market Road,
Koyambedu, Chennai – 600 107.

2.The District Collector,
Cuddalore.

3.The Commissioner,
Tittagudi Municipality,
Cuddalore District.

4.Ramesh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 3rd respondent herein to take appropriate action to remove the un-authorised and illegal construction by the 4th respondent in Survey No.135/3A in Kuthapankudikkadu Village, Thittagudi Taluk, Cuddalore District.



For Petitioner : Mr.S.T.Bharath Gowtham

For Respondents : Mr.Vadivelu Deenadayalan,
Additional Government Pleader for R1 & R2

Mr.V.Sithannan for R4

ORDER

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

The prayer in the writ petition reads as follows:-

“To direct the 3rd respondent herein to take appropriate action to remove the un-authorised and illegal construction by the 4th respondent in Survey No.135/3A in Kuthapankudikkadu Village, Thittagudi Taluk, Cuddalore District. ”

2. Considering the fact that the petitioner had claimed that the 4th respondent has put up construction encroaching upon his property, we had directed the 3rd respondent to inspect and file a report.

3. The 1st respondent viz., the Assistant Director, District Town and Country Planning Authority had made an inspection and filed a report stating that there is in fact an encroachment by projection of sunshade of about 2 ft x



22 ft put up by the 4th respondent over the petitioner's property. We find from the typed set filed by the petitioner that the Thittagudi Municipality, 3rd respondent had issued notice to the 4th respondent requiring him to remove the unapproved construction and also warning him of further action, if the construction is not removed within seven days.

4. Though the notice is dated 07.07.2022, no further action has been taken as of today. In the light of the above facts and considering the mandatory obligation that is cast upon the 3rd respondent to take action and to enforce town and Country Planning Laws, this writ petition is **disposed of** with a direction to the 3rd respondent to pursue action as per the provisions of the District Municipalities Act read with Town and Country Planning Act and ensure that there is no construction in deviation of the sanctioned plan if any. The petitioner will be at liberty to seek re-opening of the writ petition, if further action is not pursued. No costs. Consequently, the connected miscellaneous petition is closed.

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

25.11.2022

Index : No
Internet : Yes
Speaking order
dsa

To

3/5



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R.SUBRAMANIAN, J.
AND
K. KUMARESH BABU, J.

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