



W.P.No.5152 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.5152 of 2018

S.Balakrishnan

... Petitioner

Vs.

1. The District Collector,
Tiruvallur District, Tiruvallur.

2. The Commissioner, Avadi Corporation,
Avadi, Chennai 600 054.
(Cause title amended suomotu, as per the
order of this court dated 26.06.2023 in
W.P.No.5152 of 2018)

3. B.Shanmugam

4. B.Srinivasan

5. Savitha Shanmugam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to take necessary action against the respondents 3 to 5 for demolishing the



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unauthorized construction made by the respondents 3 to 5 in T.S.No.227 Part, Door No.246-B, Kamalam Nagar, Thirumullaivoyal, Chennai 600 062 and door No.405, 3rd Cross Golden Street, Masilamani Easwarar Nagar, Thirumullaivoyal, Chennai 600 062.

For Petitioner : Mrs.Hemalatha

for Mr.C.Prakasam

For Respondents : Mr.A.Selvendran, Spl.Govt.Pleader for R1

Mr.R.Gopinath for R2

Mr.Pradeep Jayaraman for R3

Mr.Ganesh for R4

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This writ petition has been filed to direct the first and second respondents to take necessary action against the respondents 3 to 5 for demolishing the unauthorized construction made by the respondents 3 to 5 in T.S.No.227 Part, Door No.246-B, Kamalam Nagar, Thirumullaivoyal, Chennai 600 062 and door No.405, 3rd Cross Golden Street, Masilamani Easwarar Nagar, Thirumullaivoyal, Chennai 600 062.

2. Mr.R.Gopinath, learned counsel takes notice for the second



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respondent and submitted that, now the Avadi Municipality has been upgraded as Avadi Corporation.

3. By consent of both the parties, this writ petition is taken up for final disposal.

4. According to the petitioner, the respondents 3 to 5 have constructed the building in T.S.No.227 part, Door No.246-B, Kamalam nagar, Thirumullaivoyal, Chennai-62 and Door No.405, 3rd cross Golden Street, Masilamani Easalar Nagar, Thirumullaivoyal, Chennai-62, without obtaining approved plan and also encroaching the pathway of the municipal road to an extent of 6 x 54 sq.ft. Though the second respondent has issued notice dated 10.10.2017 to the fourth respondent, directing him to remove the unauthorized construction to an extent of 6.60 x 7.90m, thereafter, no action has been taken, since the third respondent is working as Overseer at Sozhavaram Panchayat Union and he is very influential person. Hence the writ petition.

5. The learned counsel for the fourth respondent submitted that the



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third respondent had constructed the building, after getting approved plan from the authorities concerned, however, there is some deviation in the building.

6. In view of the above, we direct the second respondent (now upgraded as of Avadi Corporation) to inspect the building in question, after giving notice to the parties concerned and on inspection, if they found that there is a deviation/unauthorized construction, give notice to the respondents 3 to 5 to remove the unauthorized construction and if the respondents 3 to 5 did not remove the unauthorized construction, proceed further in accordance with law, for removal of the unauthorized construction, if there is no other legal impediment. The whole exercise shall be completed within twelve weeks from the date of receipt of a copy of this order.

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



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costs.

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(D.K.K.J.)

(P.D.B.J.)

26.06.2023

(2/2)

Internet: Yes/No

Index : Yes/No

mst

To

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Commissioner, Avadi Corporation,
Avadi, Chennai 600 054.



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D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

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