



WEB COPY



WP NO.904 OF 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM:

**THE HON'BLE MS.JUSTICE V.M.VELUMANI
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

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M.Shahabudeen

... Petitioner

Versus

1.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2.The Executive Officer
Mangadu Town Panchayat
Mangadu,
Chennai – 600 122.

3.A.M.Noorullaa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take action against the third respondent unauthorised construction in Plot Nos.320 & 321, Syed Sadik Nagar, Mangadu, and comprised in Survey No.111 of Mangadu Village, Chennai – 600 122, by considering the petitioner's representation dated 21.10.2017.



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For Petitioner : Mr.K.Sasindran
For Respondent-1 : Mr.C.N.Vinoba
Standing Counsel for CMDA
For Respondent-2 : Mr.E.Vijayanand
Additional Government Pleader
For Respondent-3 : No appearance

ORDER

[ORDER OF THE COURT WAS MADE BY V.M.VELUMANI, J.]

The petitioner has come forward with the present writ petition seeking for a direction to the first and second respondents to take action against the third respondent for his unauthorised construction in Plot Nos.320 and 321, Syed Sadik Nagar, Mangadu, comprised in Survey No.111 of Mangadu Village, Chennai – 600 122, by considering his representation dated 21.10.2017.

2. The petitioner is the Managing Trustee of Hajarath Syed Sathik Voliyullah Dargh & Masjith Trust, Mangadu, Chennai – 600 122. The land in Survey No.111 of Mangadu Village, belongs to the above Trust. The third respondent has illegally entered into Plot Nos.320 and 321, comprised in Survey No.111 and started putting up construction with the help of old



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Trustees, without obtaining any planning permission from the authorities concerned. Hence, the petitioner sent a representation dated 24.05.2017 to the second respondent to take action against the third respondent for his unauthorised construction. Since there is no response from the second respondent, the petitioner made a representation dated 21.10.2017 to the first and second respondents to take action on the unauthorised construction. Since no order has been passed by the respondents 1 and 2, on the representation of the petitioner, the petitioner has come out with the present writ petition.

3. Heard the submissions made by the learned counsel for the petitioner and the learned Standing Counsel for the first respondent as well as the learned Additional Government Pleader appearing for the second respondent. Though notice has been served on the third respondent and his name is printed in the cause list, there is no representation on behalf of the third respondent.

4. Considering the submissions made and the nature of relief sought for, without deciding the issue on merits, the respondents 1 and 2 are directed to inspect the property in Survey No.111, Plot Nos.320 and 321,



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Syed Sadik Nagar, Mangadu Mangadu Village, Chennai – 600 122, within a period of two weeks from the date of receipt of a copy of this order and if any unauthorised construction is found, the respondents 1 and 2 are directed to take action, in accordance with law, taking into consideration the representation of the petitioner, within a period of eight weeks thereafter and file a report before this Court.

5. The writ petition is disposed of with the above direction. No costs.

6. Post this matter after ten weeks under the caption “for reporting compliance”.

[V.M.V., J.] [V.L.N., J.]

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Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking order
TK



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