



W.P.No.7734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.7734 of 2023

B.Mahalakshmi

.. Petitioner

Vs.

1. The Commissioner
Tambaram Municipality
Zone – 1, Pammal
Chennai.

2. Ganesan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to take immediate action for demolition of unauthorised construction put up by the 2nd respondent at S.No.190/6A situated at No.54, Thiruneermalai Main Road, Nagalkeni, Pammal, Chennai, in view of the petitioner's representation dated 12.10.2022 within the stipulated time in accordance with law.

For Petitioner : Mr. S. Arivazhagan

For R1 : Mr. P. Gurunathan

Additional Government Pleader



ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the 1st respondent to take immediate action for demolition of unauthorised construction put up by the 2nd respondent based on the petitioner's representation dated 12.10.2022 within the stipulated time fixed by this Court.

2. By consent of the learned counsel appearing for the petitioner as well as Mr. P.Gurunathan, learned Additional Government Pleader, who takes notice for the 1st respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, her mother-in-law, who is 91 years old, is the owner of the property bearing Door No.55, Thiruneermalai Main Road, Nagalkeni, Pammal, Chennai. The 2nd respondent who is her neighbour, has encroached a portion of her mother-in-law's property and started construction without any approval. In this regard, the petitioner made a representation dated 12.10.2022 to the 1st respondent. The petitioner also sent an application to the 1st respondent under Section 6(1)



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of the Right to Information Act, 2005 to furnish the details of action taken against the 2nd respondent for putting up unauthorised construction.

Since no action has been taken by the 1st respondent, the petitioner has come out with the present Writ Petition for the above stated relief.

4. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the 1st respondent and perused the materials on record.

5. Considering the nature of relief sought for in the Writ Petition, the 1st respondent is directed to inspect the property after issuing notice to the petitioner as well as 2nd respondent, within a period of two weeks from the date of receipt of a copy of this order and if they find any unauthorised construction, take action against the 2nd respondent within a period of eight weeks thereafter.

6. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
14.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj

To

The Commissioner
Tambaram Municipality
Zone – 1, Pammal
Chennai.

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