



W.P.No. 5119 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 5119 of 2022
and W.P.No.4234 of 2022
and W.M.P.No.4378 of 2022

W.P.No.5119 of 2022:

Krishna Kumar

..Petitioner

Vs.

1.The Executive Officer,
Town Panchayat,
Thiruporur,
Chengalpattu District.

2.Sare Squires,
F2, 201 Sare Homes,
Sowbagya Vijayan Nagar,
Thiruporur
Chengalpattu District - 603 110

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the representation given by the petitioner dated 03.02.2022 and consequently direct the 1st

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respondent to implement the final Demolition notice dated 29.11.2021 served on Sare Squires by the 1st respondent.

For Petitioner : Mr.D.Arun

For Respondents : Mrs.C.Sangamithrai for R1
Special Government Pleader
Mr.L.Chandrakumar for R2

W.P.No.4234 of 2022:

Sare Squires
Rep. by its Secretary,
No.201, Sare Homes,
Sowbagya Vijayam Nagar,
Chengalpattu - 603 110

..Petitioner

vs.

1.The Executive Officer,
Town Panchayat,
Thiruporur,
Chengalpattu District.

2.Veeralakshmi ..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 1st respondent in his proceedings under Na.Ka.No.250/2021, dated 18.02.2022 and quash the same.

For Petitioner : Mr.L.Chandrakumar
for R.Kamaraj

For Respondents : Mrs.C.Sangamithrai for R1
Special Government Pleader
No appearance for R2



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COMMON ORDER

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(Order of the Court was made by J.Nisha Banu,J.)

Writ Petition No.5119 of 2022 has been filed to direct the respondents to consider the petitioner's representation dated 03.02.2022 and consequently, direct the 1st respondent to implement the final Demolition notice dated 29.11.2021 served on Sare Squires by the 1st respondent.

2. Writ Petition No.4234 of 2022 has been filed challenging the order dated 18.02.2022 passed by the 1st respondent, by which, the petitioner was directed to remove the construction made in the car parking area without obtaining permission and to restore it to the original position, failing which, the same will be demolished by the Town Panchayat on 25.02.2022.

3. It is averred by the petitioner in W.P.No.5119 of 2022 that he is the owner of Flat No.F6-204 Sare Home, Crescent Parc Dewy Terraces, Sowbagya Vijayan Nagar, Thiupporur Taluk, Chengalpattu District. By letter dated 18.09.2013, the 2nd respondent sought permission to use the open/covered car parking space No.F6/204 meant for the construction of



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children play area. The agreement entered into between the petitioner and 2nd respondent dated 02.06.2011 is for usage of car parking only. Therefore, the petitioner made a representation to the 1st respondent to remove the unauthorised construction carried out by the 2nd respondent.

4. On 29.11.2021, the 1st respondent issued final notice to the 2nd respondent directing the 2nd respondent to demolish the unauthorised construction. However, no steps have been taken by the 2nd respondent. Hence, the petitioner approached the 1st respondent to take necessary enforcement action against the 2nd respondent by representation dated 03.02.2021. Since, no action has been taken till date, the present writ petition is filed in W.P.No.5119 of 2022.

5. In so far as, W.P.No.4234 of 2022 is concerned, the members of the Flat Association of 1280 flats would contend that the builder M/s. Sare Shelters Projects Pvt.Ltd., did not construct the flats as per the plan obtained from the 1st respondent/Executive Officer, Tiruporur Town Panchayat. The Flat owners Association made complaint in C.No.212/2019 against the



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WEB COPY builder before the Real Estate Regulatory Authority (RERA). The said complaint was dismissed by order dated 12.06.2019. The petitioner preferred Appeal No.58 of 2019 and the same was allowed on 9.9.2020 remanding the case back to TNRERA. However, the builder filed CMSA.No.27 of 2020 before this Court. The said CMSA was dismissed confirming the order of the Appellate Tribunal. This Court directed the Regulatory Authority to entertain the application / complaint filed by the Apartment Owners Association and to adjudicate the issue within a period of three(3) months.

6. The learned Special Government Pleader appearing for the 1st respondent would submit that the petitioner has to approach the appropriate authority and for necessary enforcement action.

7. Taking into consideration the entire facts of the case, we deem it appropriate to direct the petitioner in W.P.No.5119 of 2022 to file necessary petition/application in the prescribed format before the 1st respondent for redressal of his grievance. On such filing of the petition/application, 1st



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respondent shall consider and pass necessary orders within a period of four(4) weeks from the date of application, by giving opportunity to all the parties concerned.

8. Insofar as W.P.No.4234 of 2022 filed by the Flat Association, challenging the Demolition Notice dated 18.02.2022 is concerned, the 1st respondent is directed to call for enquiry the parties concerned and thereafter, take a decision in accordance with law.

9. With the above directions, both the Writ Petition Nos.5119 and 4234 of 2022 are disposed of. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
11.10.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
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To
The Executive Officer,
Town Panchayat,
Thiruporur,
Chengalpattu District.

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J.NISHA BANU,J.

And

N.Mala,J.

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and W.P.No.4234 of 2022
and W.M.P.No.4378 of 2022

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