



W.P.No.4900 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

**W.P.No.4900 of 2019
and WMP.No.5581 of 2019**

V.Gopala Krishnan

..Petitioner

Vs

1. The Commissioner,
Hosur Municipality,
Bagalur Road,
Hosur-635109.

2.The Member Secretary,
Hosur Town and Country Planning Authority,
M.G.Road, Hosur Taluk,
Krishnagiri District.

3.K.S.Ravi Kumar,

4.K.R.Shoba

...Respondents.

Prayer: Writ Petitions are filed under Article 226 of Constitution of India to issue a writ of mandamus, directing the 1st respondent to initiate appropriate



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action against the 3rd and 4th respondent by demolishing the ongoing illegal/unauthorised construction by them at property situated at T.S.No. 43, D.No. 69 A, M.G.Road, Hosur Town, Krishangiri District.

For Petitioner : Mr. Mukund R.Pandian

For Respondents : Mrs. R.L. Karthika, GA – R2
Mrs.R.Poornima – R3 & R4
Mr.M.Rjamathivanan – R1

ORDER

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

Seeking directions to the 1st respondent to initiate appropriate action against the 3rd and 4th respondent by demolishing the ongoing illegal/unauthorised construction by them at property situated at T.S.No. 43, D.No. 69 A, M.G.Road, Hosur Town, Krishangiri District, the present writ petition is filed.

2. The learned counsel for the petitioner has submitted that the petitioner is the joint owner of house property situated at No. 16/43/3, Rangasamy Pillai Street in T.S.No. 40, Ward B, Block 56, Krishnagiri District. The respondents 3 & 4 have started illegal construction in Plat No



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43, D.No. 69A which is adjacent to the petitioner's property. The petitioner made representation/objection to the 1st respondent on 23.07.2018 to take necessary action for the unauthorised and illegal construction carried out by the respondents 3 & 4. Since no action has been taken the respondent authority, the present writ petition has been filed.

3. Counter affidavit has been filed by the Commissioner, Hosur Municipality/1st respondent, wherein it is stated that based on the application submitted by the respondents 3 & 4, approval has been given for construction of Shop Building at S.F.No. 6/1A/1A/1A/4, T.S.No. 39, 40 in Ward-B, Block 56, Door No.4, Ramar Koil Street, Hosur Town, Hosur on 25.11.2017. The respondent Corporation officials inspected the above building and found deviation in the approved plane, hence issued show cause notice on 27.02.2019 under Section 205(1)(2) of Tamil Nadu District Municipal Act, 1920 to the 3rd & 4th respondents.



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4. It is further stated in the counter affidavit that the 1st respondent filed charge sheet against 3rd & 4th respondents before the Judicial Magistrate Court, Hosur and the same was taken up for trial on 20.05.2019 and imposed fine amount and the same was also paid by the respondents on 20.05.2019.

5. The learned counsel for the respondents 3rd & 4th respondents submitted that the property at T.S. 43 D.No. 69A as mentioned in the affidavit filed by the petitioner not belongs to the 3rd & 4th respondents. They own property at door No. 14, Ramar Koil Street, Hosur, Krishnagiri District and they are running business in the name and style of Satya Stores. Only with an intention to harass the 3rd & 4th respondents, the present writ petition is filed by the writ petitioner. Hence seeks for dismissal of the writ petition.

6. Heard the learned counsels appearing for the parties concerned and perused the documents available on record.

7. According to the learned counsel for the petitioner, the property



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situate at T.S.43, D.No. 69, M.G Nagar, Hosur is belongs to 3rd & 4th respondents and they have constructed a house unauthorisedly in the said address without getting approval from the authorities, therefore severe action has to be taken against the 3rd & 4th respondents and demolish the ongoing illegal/unauthorised construction in the said address.

8. A perusal of counter affidavit filed by the respondents 3 & 4 would show that they denied the ownership of the said property and stated that they owned a shop at T.S.No. 39, 40 in Ward-B, Block 56, Door No.4, Ramar Koil Street, Hosur, for which they have obtained building plan and later they levied penalty for deviation in the said plan. The counter affidavit filed by the Commissioner, Hosur Municipality/1st respondent also does not mention the property disputed by the petitioner.

9. Accurate and detailed information about the property is crucial. The petitioner herein has not accurately described the property in question in the writ petition and has failed to rectify his prayer despite the respondents filing a counter affidavit in the year 2019 denying ownership of their property



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alleged by the petitioner. Thus, We are of the view that the prayer sought for by the petitioner for demolition of alleged construction by the respondents 3 & 4 at T.S.No. 43, D.No.69A, M.G. Road, Housr Town, Krishnagiri District cannot be sustained in light of the aforesaid discussions and deserved to be dismissed.

10. It is open to the petitioner to approach the authorities concerned with proper survey number and address in case any violations are found in the building owned by the 3rd and 4th respondents.

11. With the above liberty, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(D.K.K., J.) (P.D.B., J.)

12.06.2023

Index: Yes / No

Internet: Yes

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WEB COPY To

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