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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.5891 of 2023

The Periyar Self Respect
Propaganda Institution
Represented by its Life Secretary
Thiru.K.Veeramani
Periyar Thidal, 84/1(50)
E.V.K. Sampath Salai
Veppery, Chennai-600 007. .. Petitioner

Vs.

1.The Director
Directorate of Town and Country Planning
2nd, 3rd & 4th floor, C & E Market Road
Koyambedu, Chennai-600 107.

2.The District Collector
O/o. the District Collectorate
Chengalpattu Post & District.

3.The Tahsildar
O/o. the Tahsildar
Tambaram Taluk, Chengalpattu District.

4.The Block Development Officer
O/o. the Block Development Officer
Kovilambakkam Village & Post
Chengalpattu District.

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5.The Inspector of Police
Pallikaranai Police Station
Pallikaranai Post, Chennai.

6.Kannan

7.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

(R7 suo motu impleaded vide order of this Court dated 28.02.2023 made in W.P.No.5891 of 2023) .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to take action for the illegal construction of the 6th respondent in Survey No.45/9A2 and 49/9A3 in Kovilambakkam Village, Chennai, without planning permission from the respondents 1, 2 & 4 and demolish the same.

For Petitioner : Mr.D.Veerasekharan

For RR1 to 5 : Mr.A.Selvendran
Special Government Pleader

For R7 (newly impleaded respondent) : Mr.C.N.Vinobha
Standing Counsel for CMDA

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O R D E R

(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 respondents 1 to 5 to take action for the illegal construction of the 6th respondent, without obtaining planning permission from the respondents 1, 2 & 4 and demolish the same.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1 to 5, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 5 and perused the entire materials on record.

4. Learned counsel appearing for the petitioner submitted that petitioner Institution is owner of the property in Survey Nos.45/9A2 and 49/9A3 in Kovilambakkam Village, Chennai. The petitioner has put up

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compound wall with two gates. The 6th respondent is owner of the neighbouring land measuring 2000 sq.ft. The property of the 6th respondent is surrounded by East, North, South by the properties belonging to the petitioner. Western side of the 6th respondent's property belongs to third party. The 6th respondent encroached a portion of the petitioner's property and put up construction without any approval. On complaint given by the petitioner, the Tahsildhar inspected the property in the presence of Manager of the petitioner and found that 6th respondent has encroached the petitioner's property. Subsequently, the 6th respondent handed over encroached portion of the property to the petitioner. Learned counsel further submitted that in the property of the 6th respondent, he is constructing the building without leaving side set back, without any approval and permission from the authorities. The petitioner gave a representation to the respondents 2 to 4. The 2nd respondent directed the 3rd respondent to take action. The 3rd respondent did not act on the instruction of the 2nd respondent and prayed for allowing the Writ Petition.

5. Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 5 submitted that CMDA is the

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competent authority to take action for the unauthorised construction. If there is any unauthorised construction, a direction may be issued to the CMDA to inspect the property and initiate the proceedings in accordance with law.

6. In view of the above submissions, this Court suo motu impleads *"The Member Secretary, Chennai Metropolitan Development Authority, No.1, Gandhi Irwin Road, Egmore, Chennai 600 008"* as 7th respondent in this Writ Petition. Mr.C.N.Vinobha, learned Standing Counsel takes notice for the newly impleaded 7th respondent/CMDA.

7. Considering the above submissions made by the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 5, the newly impleaded 7th respondent is directed to inspect the property of the 6th respondent after issuing notice to the petitioner as well as 6th respondent, within a period of two weeks from the date of receipt of a copy of this order and if there is any unauthorised construction found, take appropriate action immediately within four weeks thereafter.

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

(V.M.V., J) (V.L.N., J)
28.02.2023

Index : Yes / No
Neutral Citation : Yes / No

Note: Issue order copy on 01.03.2023

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To

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V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.

Kj

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