



WEB COPY



W.P.No.6320 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N .MALA**

**W.P.No. 6320 of 2022
and W.M.P.Nos.6410 and 6421 of 2022**

1.P.Rajesh
2.Josline Mary
3.Keerthana
4.Vibin Shankar
5.Neela Narayanan
6.K.R.Rajarajan
7.Sai Sathish Kumar

.

vs

.....Petitioners

1.The Member Secretary
CMDA, Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2. The District Collector
Office of District Collector,
Kancheepuram - 631501

3.The Tahsildar,
Office of Tahsildar,
Kundrathur 600 069
Kancheepuram District.



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4.The Commissioner,
Kunrathur Panchayat Union,
Padappai, Chennai 602 301.

5.The Block Development Officer,
Kunrathur Panchayat Union,
Padappai, Chennai 602 301.

6. The Village Panchayat President,
Gerugambakkam Panchayat,
Gerugambakkam,
Chennai - 600 128.

7.Prasanna.

....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 6 herein to take necessary action to remove the unauthorized construction made by the 7th respondent herein in the building No.R1, Kani Villas, Tharapakkam Salai Gerugambakkam Village Kundrathur Taluk Kancheepuram District Chennai-600 128 which is built against the approved Planning Permit No.0390/2017 in DDis No. 0508/2020/7/A3 issued by the Commissioner of Kundrathur Panchayat union at Padappai for the property of an extent of 3647 Sq. Ft. of land in Survey No.437/3A1 of Gerugambakkam Village by considering the petitioners representation dated 12.04.2021 and reminder dated 04.03.2022

For Petitioner : Mr.V.R.Appaswamee
For Respondents : Mr.R.Thamaraiselvan for R1
Standing Counsel
Mr.P.Gurunathan for R2 and R3
Additional Government Pleader
Mr.E.Vijay Ananad for R4 and R5
Additional Government Pleader
Mr.C.Selvaraj for R6
Additional Government Pleader
No appearance for R7



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ORDER

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

This writ petition has been filed to direct the respondents 1 to 6 herein to take necessary action to remove the unauthorized construction made by the 7th respondent herein in the building No.R1, Kani Villas, Tharapakkam Salai Gerugambakkam Village Kundrathur Taluk Kancheepuram District Chennai-600 128 which is built against the approved Planning Permit No.0390/2017 in DDis No. 0508/2020/7/A3 issued by the Commissioner of Kundrathur Panchayat union at Padappai for the property to an extent of 3647 Sq. Ft. of land in Survey No.437/3A1 of Gerugambakkam Village by considering the petitioners representation dated 12.04.2021 and reminder dated 04.03.2022.

2. Learned counsel appearing for the petitioner would submit that the 7th respondent started an unauthorised construction in third floor of the villa situated at No.R1, Kani Villas, Tharapakkam Salai Gerugambakkam Village Kundrathur Taluk, Kancheepuram District Chennai-600 128 by deviating approved plan. Therefore, the petitioner sent a representation dated 12.04.2021 to the Competent Authorities to



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stop the work and to remove the unauthorised construction made by the 7th respondent. However, no action has been taken to remove the unauthorised construction. Hence, the present writ petition.

3. Though notice was served, there was no representation for the 7th respondent.

4. Learned Additional Government Pleader appearing for R4 and R5 would submit that the proceedings has been initiated and stop work notice dated 04.04.2022 had been issued to the 7th respondent to stop the unauthorised construction work. He further submitted that they will complete the necessary enforcement action within a period of eight(8) weeks.

5. Considering the above submission, the respondents 1 to 6 are directed to take appropriate action by giving opportunity to all the parties concerned and complete the enforcement action, within a period of eight(8) weeks from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B,J.) (N.M., J.)
15.09.2023

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

To

1. The Member Secretary
CMDA, Thalamuthu Natarajan Building,
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Egmore, Chennai - 600 008.
2. The District Collector
Office of District Collector,
Kancheepuram - 631501
3. The Tahsildar,
Office of Tahsildar,
Kundrathur 600 069
Kancheepuram District.
4. The Commissioner,
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5. The Block Development Officer,
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6. The Village Panchayat President,



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Gerugambakkam Panchayat,
Gerugambakkam, Chennai - 600 128.

J. NISHA BANU, J.
and
N.MALA, J.

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