



WEB COPY



W.P. No.6052 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.6052 of 2020

B. Radhamani

Petitioner

v

1 The District Collector
Cuddalore District
Cuddalore 607 001

2 The Commissioner
Cuddalore Municipality
Cuddalore 607 001

3 R. Rajeshkumar

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to demolish the unauthorised construction in the open space in plot no.12 and east-west 30 ft. road south of plot no.12 in Murugalaya Nagar, Thirupadiripuliyur, Cuddalore 607 002, Cuddalore Taluk, Cuddalore District.

For petitioner Mr. D. Baskar

For R1 Mr. A. Selvendran
Special Government Pleader

For R2 Mr. N. Kirubaharan

For R3 Mr. N.K. Ponraj



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ORDER

(made by S. VAIDYANATHAN, J.)

According to the petitioner, she is the owner of Plot No.13 in Murugalaya Nagar, which is an approved layout and as per the approved plan, there is 30 ft. road running east-west; the third respondent has purchased Plot No.12 in the same layout and constructed a house in the said plot sans approval and hence, it is an unauthorised construction; while making such an unauthorised construction, the third respondent has also encroached about 5 ft. of the 30 ft. road; hence, this writ petition seeking to demolish the unauthorised construction made by the third respondent in Plot No.12 in Murugalaya Nagar, Thirupadiripuliyur, Cuddalore 607 002, Cuddalore Taluk, Cuddalore District.

2 Today, when the matter was taken up for hearing, the learned counsel for the third respondent submitted that the Municipality has issued notice with regard to violation/deviation in construction, which has been rectified by the third respondent and still, if there is any deviation, the third respondent is willing to rectify the same. It is his further contention that it is incorrect to state that the third respondent has constructed the building without any valid plan. In support of this contention, he also produced a copy of the plan dated 07.11.2008 issued by the Municipality.



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3 Now that the deviated portion has been removed by the third respondent and in the event of there being any deviation still, the third respondent is willing to rectify the same, we direct the official respondents to cause inspection of the place in question and in the event of there being any deviation in the house constructed by the third respondent, from the approved plan, inform the third respondent to bring the building in accordance with the plan, thereby restoring the 30 ft. road to its original position, of course, after affording an opportunity of hearing to the petitioner and the third respondent. The said exercise shall be carried out within a period of two months from the date of receipt of a copy of this order.

This writ petition stands disposed of with the above directions. Costs made easy.

(S.V.N., J.) (K.R.S., J.)
19.12.2023

cad
To

- 1 The District Collector
Cuddalore District
Cuddalore 607 001
- 2 The Commissioner
Cuddalore Municipality
Cuddalore 607 001



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S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

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