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Writ Petition No.7638 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2023

Coram:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Writ Petition No.7638 of 2023

S.Sundararajan

.. Petitioner

versus

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director of Town Panchayat,
Land Administration Office Campus,
Chennai – 600 028.

3. The Tambaram City Municipal Corporation,
Tambaram.

4. The Executive Officer,
Thiruneermalai Town Panchayat,
Thiruneermalai, Kancheepuram District,
(Now the Panchayat was merged with 3rd respondent)

5. Sh.A.Marimuthu,
Builder, Proprietor of M/s.Deepika Homes.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the 3rd respondent to take
appropriate action against the 5th respondent who constructed the building
against the Planning permission of the 4th respondent vide B.L.No.29, dated

<https://www.mhca.gov.in>



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26.09.2013 in the land comprised in Old S.No.344/3C4 bearing Old Patta No.806, Sub-Division New Survey No.344/15E as per Patta No.3238 situated at Thiruneermalai Village, Durgaiamman Kovil Street, Lakshmipuram, Chrompet and to rectify the existing structure in the said land as per the planning permission of the 4th respondent by considering the representation of the petitioner dated 10.10.2022 and 23.12.2022, within the stipulated time specified by this Court.

For Petitioner : Mr.P.Ganesan

For Respondents :Mr.S.Arumugam (for R1 to R4)
Government Advocate.

ORDER

The writ petition is filed for the following prayer:

“for issuance of a Writ of Mandamus, directing the 3rd respondent to take appropriate action against the 5th respondent who constructed the building against the Planning permission of the 4th respondent vide B.L.No.29, dated 26.09.2013 in the land comprised in Old S.No.344/3C4 bearing Old Patta No.806, Sub-Division New Survey No.344/15E as per Patta No.3238 situated at Thiruneermalai Village, Durgaiamman Kovil Street, Lakshmipuram, Chrompet and to rectify the existing structure in the said land as per the planning permission of the 4th respondent by considering the representation of the petitioner dated 10.10.2022 and 23.12.2022, within the stipulated time specified by this Court.”

2. The case of the petitioner is that the 5th respondent constructed the 2BHK flats instead of 1BHK flats in the common area of the ground floor as well as in the second floor against the planning approval of the 4th respondent,



which would affect common area of the flat owners. Further, the act of the 5th respondent would create dispute among the flat owners for the common area as well as car parking. Due to the act of the 5th respondent petitioner was severely affected and hence on 10.10.2022, he made a representation to the 4th respondent as well as to the 1st and 2nd respondents. Subsequently, on 23.12.2022, the petitioner sent another representation to the 4th respondent. The said representations dated 10.10.2022 and 23.12.2022 are pending with 3rd respondent, since 4th respondent office is merged with the office of the 4th respondent. As the 3rd respondent has not taken any action, on his representations, the petitioner has moved this writ petition, praying for a direction to respondents 3 and 4, to consider and dispose of his abovestated representations.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, appearing for the respondents and perused the documents.

4. Without going into the merits and also not expressing any opinion on the representations of the petitioner, the respondents 3 and 4 are hereby directed to consider and dispose of the petitioner's representations dated



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10.10.2022 and 23.12.2022, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. In view of the above direction, the writ petition stands disposed of.

No Costs.

13.03.2023

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation: Yes/No.
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To

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RMT.TEEKAA RAMAN,J

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