



W.P.No.20648 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.20648 of 2018

D.Parthasarathi

.. Petitioner

Vs.

1.The Municipal Executive Director
The Office of Municipal Commissioner
Chepakkam, Ezhilagam
Chennai.

2.The Municipal Zonal Director
Office of Municipal Zonal Director
Sathuvachari, Vellore.

3.The Commissioner
Arakkonam Township
Arakkonam, Vellore District.

4.Gunasundari

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to take necessary steps to remove the unauthorised building construction made by the 4th respondent at Plot No.43, Block 7, Ward B, 5th main road, Nehruji Nagar, Arakkonam, Vellore District.



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For Petitioner : Mr.V.R.Appaswamee
For R1 & R2 : Mr.P.Gurunathan
Additional Government Pleader
For R3 : Dr.S.S.Swaminathan
For R4 : Mr.G.Jeremiah

ORDER

(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 3 to take necessary steps to remove the unauthorised building construction made by the 4th respondent at Plot No.43, Block 7, Ward B, 5th main road, Nehruji Nagar, Arakkonam, Vellore District.

2. Heard the learned counsel appearing for the petitioner as well as learned Additional Government Pleader appearing for the respondents 1 & 2, learned counsel appearing for the 3rd respondent and 4th respondent and perused the entire materials on record.

3. According to the petitioner, the 4th respondent who is his neighbour, has constructed a lodge in residential area, which consists of



three floors without obtaining approval from the Municipality. As per the information obtained from the RTI Act, the 4th respondent has obtained permission only for construction of ground floor. In this regard, the petitioner made representation dated 03.07.2018 to the respondents 1 to 3. Since no action has been taken by them, the petitioner has come out with the present Writ Petition for the above stated relief.

4. When this matter was taken up for hearing on 13.04.2023, learned counsel appearing for the 3rd respondent submitted that on receipt of complaint given by the petitioner, the 3rd respondent inspected the property in question on 07.07.2018 and notice was issued to the 4th respondent on 16.08.2018 for putting up unauthorised construction. He further submitted that he will get instruction with regard to subsequent action taken by the 3rd respondent.

5. Considering the nature of relief sought for in the Writ Petition along with the submissions made on either side and no report has been filed by the 3rd respondent, the 3rd respondent is directed to inspect the property after issuing notice to the petitioner as well as 4th respondent, within a period of two weeks from the date of receipt of a copy of this



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order and if they find any unauthorised construction, take action against the 4th respondent within a period of four weeks thereafter.

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

(V.M.V., J) (V.L.N., J)
24.04.2023

Index : Yes / No
Neutral Citation : Yes / No

kj/krk

To

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The Office of Municipal Commissioner
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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj/krk

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