



W.P.No.12923 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE P.DHANABAL

W.P.No.12923 of 2023
and WMP.No.12708 of 2023

Anitha Manivasagam

... Petitioner

Vs.

1.The Commissioner,
Kancheepuram City Municipal Corporation,
Annai Indira Gandhi Salai,
Kancheepuram-631 502.

2.The District Collector,
First Floor, Collectorate,
Kancheepuram-631 501.

3.S.Kuppulingam,

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to consider and take necessary action on the petitioner's representation dated 11.02.2023 and 06.03.2023 in furtherance of the stop work notice issued with respect to the illegal construction being made in Survey No.215 1A3 / 1A4, 214 at III Cross Street, Arasu Nagar.



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For Petitioner : Mr.M.Nirmalkumar

For Respondents : Mr.Aruyn Dhanapalan, Standing Counsel for R1

Mr.E.Vijay Anand,
Additional Government Pleader for R2

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The writ petition has been filed for a Mandamus directing the first respondent to take necessary action on the petitioner's representations dated 11.02.2023 and 06.03.2023 in furtherance of the stop work notice issued with respect to the illegal construction being made in Survey No.215 1A3 / 1A4, 214 at III Cross Street, Arasu Nagar.

2. Today when the matter is taken, the learned standing counsel for the first respondent has produced the Status Report filed by the first respondent dated 22.06.2023, wherein it has been stated that on receipt of the complaint from the petitioner, the officials of the first respondent inspected the site in question and found that there is no planning permission granted by the first respondent to put up the construction and hence, enforcement action has been taken by issuing



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provisional notice along with show cause notice to the owners viz., Natarjan and Durai Pachaiappan under Section 296(1) and (2) of the Coimbatore City Municipal Corporation Act, 1981 and final notice was issued under Section 296(3) of the Act to demolish the unauthorized construction. It is further stated that enforcement action had been taken by issuing Pre-Notice calling for approved plan dated 14.06.2023 under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 to the owner of the premises requiring him to produce the planning permission and building plan required to put up the construction in question. The first respondent further stated in the status report that since the owner of the premises failed to furnish the above mentioned documents to the first respondent, further action had been taken by issuing locking and sealing notice dated 19.06.2023 under Sections 56 & 57 read with Section 85 of the TCP Act to the owner of the premises.

3. The learned counsel for the petitioner submitted that the aforesaid status report of the first respondent may be recorded and further seeks for direction for removal of the unauthorized construction put up by the third respondent.



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4. Notice to the third respondent returned "Unclaimed".

5. In the light of the above, the Status Report filed by the first respondent is taken on record and this Court directs the first respondent to proceed further for initiation of action for removal of unauthorized construction put up by the third respondent, after providing opportunity to the parties concerned. The aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K., J.) (P.D.B., J.)
23.06.2023

Intex : Yes/No
Internet : Yes/No
Jvm



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To

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