



W.P.No.23155 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.23155 of 2018

K.Krishnan

.. Petitioner

Vs.

1.The Commissioner
Cuddalore Municipality
Bharathi Road
Cuddalore 607 001

2.Asokan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to demolish the unauthorised portion of construction of 2nd respondent bearing door No.10, South Kavarai Street, Manjakuppam, Cuddalore 607 001, Cuddalore Taluk, Cuddalore District.

For Petitioner	:	Mr.R.Gururaj
For R1	:	Mr.P.Gurunathan Additional Government Pleader
For R2	:	No appearance



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ORDER

(Order of the Court was made by V.M.VELUMANI, J.)

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The petitioner has come out with the present writ petition for a direction to the 1st respondent to demolish the unauthorised construction by the 2nd respondent at door No.10, South Kavarai Street, Manjakuppam, Cuddalore 607 001, Cuddalore Taluk, Cuddalore District.

2. Heard Mr.R.Gururaj, learned counsel appearing for the petitioner as well as Mr.P.Gurunathan, learned Additional Government Pleader, who takes notice for the 1st respondent and perused the entire materials on record.

3. Learned counsel appearing for the petitioner submitted that the petitioner is residing in 2nd floor of his two-storeyed building at door No.9A, South Kavarai Street, Manjakuppam, Cuddalore. In the year 2002, the 2nd respondent, who is the petitioner's neighbour reconstructed his house close to the petitioner's house, which obstructs free flow of light and air. Therefore, the petitioner filed O.S.No.325 of 2002 against the 2nd respondent on the file of the Principal District Munsif Court, Cuddalore, which was dismissed as settled out of court on 30.06.2003. While so, the 2nd respondent in May 2018 constructed sunshades, due



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to which, curing water and rain water entered the petitioner's house through windows causing much inconvenience to the petitioner. Hence, the petitioner addressed his grievance to the 1st respondent on 11.06.2018 and 18.06.2018 stating that the 2nd respondent has put up unauthorised construction without any approval. Thereafter, on 20.06.2018, an official of the 1st respondent, who inspected the buildings, instead of taking action against the 2nd respondent, insisted the petitioner to withdraw his representation. In such circumstances, the petitioner has come out with the present petition.

4. In view of the above, the 1st respondent is directed to inspect the buildings in question within a period of two weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as the 2nd respondent and if found any unauthorised construction has been put up by the 2nd respondent, the 1st respondent is directed to take appropriate action against the 2nd respondent as per the provisions and in accordance with law, within a period of four weeks thereafter.

With the above directions, this writ petition is disposed of. No costs.

(V.M.V.,J.) (V.L.N.,J.)
17.04.2023

Index : Yes/No
Neutral citation : Yes/No
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V.M.VELUMANI, J.
AND
V.LAKSHMINARAYANAN, J.

gya

To
The Commissioner
Cuddalore Municipality
Bharathi Road
Cuddalore 607 001

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