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W.P.No.14715 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.14715 of 2019 and W.M.P.
Nos.14702 of 2019 and 6025 of 2020

P.L.Ramasamy
rep. by his Power Agent K.Chinnasamy

.. Petitioner

Vs.

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.4, Gandhi Irvin Road,
Egmore, Chennai-600 008.
- 2.The Executive Officer,
Perungaluthur Town Panchayat,
Perungaluthur, Chennai – 600 063.
- 3.The Commissioner,
St. Thomas Panchayat Union,
St. Thomas Mount,
Chennai – 600 016.
- 4.The Zonal Deputy Block Development Officer,
St.Thomas Mount Block @ Chitlapakkam,
Chitlapakkam, Chennai – 600 064.



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5.The Extension Officer (Planning),
St. Thomas Mount Block @ Chitlapakkam,
Chitlapakkam, Chennai – 600 064.

6.J.P.Prince

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the official respondents 1 to 5 herein to initiate appropriate legal action against the 6th respondent herein for his un-authorised and un-approved construction in the property bearing Plot No.11, comprised in Survey No.53/2, situated at Perumal Nagar, Mudichur Village, Tambaram Taluk, Kancheepuram District, measuring an extent of 1800 sq.ft. pursuant to the petitioner's representation dated 29.04.2019.

For Petitioner : Mr.J.Selvarajan

For R1 : Mr.P.Thamaraiselvan

For R2 : Mr.P.Srinivas
Standing Counsel

For R3 to 5 : Mr.P.Gurunathan,
Additional Government Pleader

For R6 : Mr.N.Nithianandan

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 official respondents 1 to 5 herein to initiate appropriate legal



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action against the 6th respondent herein for his un-authorised and un-approved construction in the property, bearing Plot No.11, comprised in Survey No.53/2, situated at Perumal Nagar, Mudichur Village, Tambaram Taluk, Kancheepuram District, measuring to an extent of 1800 sq.ft.

2. According to the petitioner, one Ramasamy is the absolute owner of the house site, bearing Plot No.11, comprised in Survey No.53/2, situated at Perumal Nagar, Mudichur Village, Tambaram Taluk, Kancheepuram District. The said Ramasamy has been in peaceful possession and enjoyment of the said plot from the date of purchase. While so, in order to sell the said plot, Ramasamy has executed a General Power of Attorney on 22.02.2016, appointing the petitioner as an Agent to execute the sale of the said property. While so, during the 1st week of April 2018, when the petitioner visited the said property, 6th respondent herein started constructing building in the said plot. In this regard, the petitioner made a representation dated 30.06.2018 to the official respondents requesting them to take appropriate legal action against the 6th respondent herein. Thereafter, the third respondent by his Proceedings dated 30.07.2018 has issued Stop Work Notice under Sections 56 and 57



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read with 85 of the Town and Country Planning Act, 1971 to the petitioner. The 6th respondent has encroached the property of the petitioner and has been constructing the building in the property without any approval. No action has been taken by the official respondents against him. Therefore, the petitioner has come out with the present Writ Petition for the above stated relief.

3.Heard the learned counsel appearing for the petitioner, learned counsel appearing for the first respondent, learned Standing Counsel appearing for the second respondent, learned Additional Government Pleader appearing for respondents 3 to 5 and the learned counsel appearing for the sixth respondent and perused the materials on record.

4.Considering the nature of relief sought for in the Writ Petition, the third respondent is directed to inspect the property after issuing notice to the petitioner as well as the sixth respondent, within a period of two weeks from the date of receipt of a copy of this order and if there is any un-authorised construction, put up by the sixth respondent, take appropriate proceedings, including for removal of un-authorised



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construction, within a period of four weeks thereafter, after issuing notice to the sixth respondent.

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

(V.M.V., J) (V.L.N., J)
28.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

vga

To

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