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W.P.No.19523 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No.19523 of 2023

K.R.Thiyagarajan

... Petitioner

Vs.

1.The Commissioner
Corporation of Kancheepuram,
Kancheepuram
2.J.Dharmasagaran
3.Shanthakumari

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representations dated 16.03.2023 and 12.05.2023.

For Petitioner : Ms.S.Thamizharasi
For Respondents : Mr.Arun Dhanapalan for R1
Standing Counsel
R2 and R3 - Not ready notice

ORDER

This Writ Petition has been filed to direct the respondents to consider the petitioner's representations dated 16.03.2023 and 12.05.2023.



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2. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the first respondent. Though notice sent to the respondents 2 and 3 through Court as well as privately, they have not appeared before this Court today.

3. According to the petitioner, the 2nd and 3rd respondents herein have purchased the property from one Mr.Madhavan by way of sale deed and they demolished the existing building and started to build a new building by violating sanctioned construction rules and started digging underground basement floor.

4. Due to the said construction, the petitioner's building got damaged and crack was found at his building's foundation. Hence, he lodged a police complaint on 14.03.2023 on the file of Vishnu Kanchi Police Station and CSR.No.287 of 2023 was obtained. In the same, enquiry was conducted, and the 2nd respondent attended the enquiry and gave an undertaking in writing that he will not construct the building in contravention of the rules in force. However, they did not stop constructing the underground basement building. In this regard, the petitioner sent detailed representations to the respondents to take action against the illegal constructions. The grievance of the petitioner is that



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till date the representations sent by the petitioner has not been considered.

5. In view of the limited prayer sought for by the petitioner, without expressing any view on the merits of the claim made by the petitioner, we direct the respondents to pass orders on the representations dated 16.03.2023 and 12.05.2023, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner and the parties concerned. Such exercise shall be done by the respondents within a period of eight(8) weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.

(J.N.B,J.) (N.M., J.)
10.07.2023

Index : Yes / No
Internet : Yes
msv
To
The Commissioner
Corporation of Kancheepuram,
Kancheepuram



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J. NISHA BANU, J.
and
N.MALA,J.

msv

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