



WEB COPY



W.P.No.24444 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.24444 of 2018

Jawahar Raj

.. Petitioner

Vs.

1.The District Collector
Kancheepuram District
Kancheepuram

2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
Egmore, Chennai

3.The Commissioner
Thiruneermalai Town Panchayat
Kancheepuram District

4.P.Lilly Paulraj
Proprietor
J.K.Builder
No.13, Saraswathipuram
2nd Cross Street
Chennai 600 014



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5.M/s.J.K.Builders
Rep. by its Partner
Solomon
No.13, Saraswathipuram
2nd Cross Street
Chennai 600 014

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 3rd respondent to ensure that the building in plot No.13, Saraswathipuram, 2nd Street, Thiruneermalai Village, Kancheepuram District comprised in old S.No.309, New S.No.309/18 of Thiruneermalai Village is built as per the 3rd respondent's planning permit No.52/2010 dated 13.08.2018 and remove the deviation/unauthorised construction thereto.

For Petitioner	: Mr.M.Selvam
For R1	: Mr.E.Vijay Anand Additional Government Pleader
For R2	: Mr.C.N.Vinobha Standing Counsel
For R3	: Mr.N.Srinivasan
For R4 & R5	: Mr.A.V.Arumugam

ORDER

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

The petitioner has come out with the present writ petition for a direction to the 3rd respondent to take appropriate action against the respondents 4 and 5, based on his representation dated 16.07.2018.



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2. Heard the learned counsels appearing for the parties and perused the entire materials on record.

3. Learned counsel appearing for the petitioner submitted that the petitioner purchased a flat measuring 892 sq.ft. including UDS of 516.44 sq.ft., for a sale consideration of Rs.25,00,000/- *vide* document No.3733 of 2010 dated 27.08.2010 on the file of the SRO, Pammal. The said flat was being constructed by the respondents 4 and 5. While visiting the said flat, the petitioner found that the respondents 4 and 5 are not carrying out the construction as per the planning approval. Hence, the petitioner sent a representation to the respondents 1 to 3 on 16.07.2018 to inspect the building and take appropriate action. Since no action has been taken on the petitioner's representation, he has come out with the present petition.

4. Considering the fact that the respondents 4 and 5 are not constructing the building as per the approved plan and the representation of the petitioner to the respondents 1 to 3 to inspect the building is not considered, the 3rd respondent is directed to inspect the building in question within a period of two weeks from the



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date of receipt of a copy of this order, after issuing notice to the petitioner as well as the respondents 4 and 5 and if found any unauthorised construction or construction from deviated plan, the 3rd respondent is directed to take appropriate action against the respondents 4 and 5 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.)
25.04.2023
(2/2)

Index : Yes/No
Neutral citation : Yes/No
gya



W.P.No.24444 of 2016

To

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Kancheepuram

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