



W.P.No.20202 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.20202 of 2022

Indus Sea Farers Training Academy
formerly known as
Indian Seafarers Training Academy
Rep. by its Chairman / Managing Trustee
Mr.CH.Rama Rao

... Petitioner

versus

- 1.The Collector
Kanchipuram District.
- 2.The Member Secretary (CMDA)
Thalamuthu Natarajar Illam
No.1 Gandhi Irwin Road,
Egmore, Chennai-08.
- 3.The Commissioner
Mangadu Municipality
No.401, Perumalkoil Street
Srinivasa Nagar
Mangadu Chennai-122.
- 4.The Cine Technicians Association of South India (CTA)
Rep. by its President
K.Ramachandrakurup



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5.Vijayalakshmi

6.Mrs.B.Anuradha

... Respondents

By order dated 19.06.2023,
6th respondent is impleaded in
W.M.P.No.3772 of 2023 by
DKKJ and PDBJ

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus directing the respondents 1 to 3 to conduct enquiry based on the petitioner's representation dated 29.06.2022

For Petitioner : Mr.P.M.Bakthavatsalam

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
for the first respondent

Ms.P.Veena Suresh,
for the second respondent

Mr.P.Srinivas,
for the third respondent

Not ready in notice
regarding respondent No.4

Mr.M.Gnanasekar,
for the fifth respondent



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ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

This writ petition is filed for a writ of Mandamus directing the respondents 1 to 3 to conduct enquiry based on the petitioner's representation dated 29.06.2022

2. The petitioner has filed the writ petition alleging that the fourth respondent namely the Cine Technicians Association of South India (CTA) had developed layout of housing plots in the name of C.T.A. Garden Phase-II in the remaining 2.92 acres. In that process, it gifted a portion of the land, as per Rules, by way of a gift deed on 03.09.2003 in favour of the third respondent, the Commissioner, Mangadu Town Panchayat, and the same was registered as Document No.4929/2003 dated 03.09.2003 in the office of the Sub-Registrar, Kunrathur. The land gifted to the Town Panchayat is comprised in Survey No.539/1 Part and 541/1, which was leased out by the fourth respondent to the petitioner herein. The petitioner, in respect of the land leased out to him, has obtained planning permission from the second respondent CMDA vide permit.No.C/001495/51-A to G/03 dated 08.10.2003 and building permission from the third



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respondent/The Commissioner Mangadu Town Panchayat in No.45/04-05. The fourth respondent had developed the layout of housing flats in the name of CTA Garden Phase -II and sold to various persons, including the land, which is already leased out to the petitioner. While the things stood thus, since the third and fourth respondents trespassed the lease hold property of the petitioner, the petitioner has filed a suit in O.S.No.61 of 2021 on the file of District Munsif Court, Sriperumpudur and the same is pending. Further, the petitioner has given a representation dated 08.02.2022 to the respondents to measure and demarcate the land by fixing the boundaries, for his lease-hold property. However, no action was taken by the respondents. While it is so, the fifth respondent illegally without any approved plan has started construction in the disputed property. In such circumstances, the petitioner has given a representation dated 29.06.2022 to the respondents 1 to 3 to take action against the fifth respondent to stop illegal and non approved construction in the leased property of the petitioner. However, the said representation was not considered. Hence, the petitioner has filed the present writ petition.



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3. Mr.P.Srinivas, learned counsel for the third respondent panchayat has objected stating that the aforesaid property in question has approved layout and the property to an extent of 1.2 acres has been gifted for park and road and other public purposes to the panchayat by way of registered gift deed dated 03.09.2003.

4. The learned counsel for the petitioner submitted that in the aforesaid property, which has been gifted in favour of the panchayat, now the sixth respondent has been illegally constructing the building. Therefore, the petitioner is seeking for necessary action to be taken by the panchayat against the aforesaid illegal construction of the building.

5. Mr.Srinivas, learned Standing Counsel for the panchayat has informed this Court that the petitioner's representation dated 29.06.2022 will be duly considered and appropriate orders will be passed after providing opportunity to the parties concerned.

6. In view of the above, we direct the third respondent to consider the petitioner's representation dated 29.06.2022, on its own merits and in accordance with law, and pass orders, after providing



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opportunity to the aggrieved persons, if any, as expeditiously as possible, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. There will be no order as to costs. W.M.P.No.19452 of 2022 is closed. W.M.P.No.3772 of 2023 is ordered.

[D.K.K., J.] [P.D.B., J.]
19.06.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.

(mrn)

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