



W.P.No.19397 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.19397 of 2019 and

WMP No.18878 of 2019

Aunk Ashok

.. Petitioner

Vs.

1. The State, rep. by its Secretary,
Revenue Department,
Secretariat, Chennai.

2. Member Secretary,
Mamallapuram Local Planning Authority,
No.13, Vardarasanar Street,
Mamallapuram, Tamil Nadu.

3. The Block Development Officer, Thalambur Panchayat,
Thiruporur 603 103.

4. Dinesh Kumar

5. K.Danaji

6. Champben

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the unlawful and deviated constructions of the respondents 4 to 6 at property comprised in new survey No.42/2, in patta No.58, situated at Karanai Village, Thiruporur Taluk and within the revenue district of Kancheepuram.

For Petitioner : M/s Rishi S.Ahuja

For Respondent : Mr.E.Vijay Anand, Addl.Govt.Pleader
for respondents 1 and 2

Mrs.R.L.Karthika, Government Advocate
for third respondent

Mrs.S.Meena Kumary,
for respondents 4 to 6

ORDER

(Order of the Court was delivered by P. DHANABAL, J.)

This writ petition has been filed to direct the respondents 1 to 3 to take action against the unlawful and deviated constructions of the respondents 4 to 6 at property comprised in new survey No.42/2, in patta No.58, situated at Karanai Village, Thiruporur Taluk and within the revenue district of Kancheepuram.

2. The petitioner is owner of the land admeasuring 1905 sq.ft. at plot



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No.8, Mahalaxmi Avenue, Karanai Main Road, Thazhambur, OMR, comprised in Old Survey No.49/1A, New survey No.49/1A1A, Karanai Village, Tiruporur Taluk and also he obtained a patta No.955 in his favour for the above said land. The respondents 4 to 6 had put up walls in the neighbouring land, leaving less than one feet at distance from his compound wall. The petitioner asked them to stop all activities immediately, but they did not respond. Hence the petitioner has given a written communication on 7.5.2019 to the third respondent, informing about the construction, in violation to the Rules and to stop work. Though it was acknowledged by the third respondent on 9.5.2019, no action was taken. Also, the petitioner has caused a legal notice dated 3.6.2019 to the respondents 2 and 3 through his counsel, even thereafter, they have not taken any action. Hence the writ petition.

3. The learned counsel for the second respondent submitted that, the survey No.49/2 in Karanai Village, which is adjacent to the petitioner's property, is owned by respondents 4 to 6. Further, permission was granted to them to construct residential building for Stilt + 2 floor and the total



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construction is less than 4000 sq.ft., which falls under the purview of third respondent. Therefore, on 03.09.220, a letter was sent to the third respondent to take action against the construction in S.No.49/2, if found in violation of the permission already granted.

4. Inview of the above submission, without expressing any opinion on merits, we direct the second respondent to consider the petitioner's representation dated 07.05.2019 and take action, on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of the copy of the order, after providing opportunities to the petitioner as well as the respondents 4 to 6. It is made clear that, if there is any deviation in the building, the second respondent is directed to take necessary action, in accordance with law, without any delay. Also, if the authorities concerned have approved any revised plan, the respondents 4 to 6 have to produce the same before the authorities concerned.

5. With the above direction, this writ petition is disposed of. No



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costs. Consequently, connected miscellaneous petition is closed.

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(D.K.K.J.) (P.D.B.J.)
22.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

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Revenue Department, Secretariat, Chennai.
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