



W.P.No.2536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

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

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Kameshwari Vinnakota

.. Petitioner

Vs.

- 1.The District Collector,
Kanchipuram District.
- 2.The Director,
District Town and Country
Planning Office (DTCP)
No. 33A, Kotrampalayan Street,
opp. to Labour Court,
Chinna Kanchipuram,
Ennaikaran,
Kanchipuram-631501.
- 3.The Thasildar, Taluk Office,
Kollacherry,
Kundrathur Main Road,
Pin-600069.
- 4.The Municipal Commissioner,
Kundrathur Municipality,
Kudrathur,
Kanchipuram District,
Pin-600069.



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5.J.Mary Roselen Joseph

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a WRIT OF MANDAMUS, direct the respondents 1 to 4 to consider the petitioner's representation dated 25.08.2022 and pass appropriate order as to removal of encroached, unauthorized and illegal construction of the building by the fifth respondent at Plot No. 755, situated in the Vedhachalam Nagar promoted by the Ashok Leyland Employees' Co-Operative House Construction Society Ltd., specifically comprised in Survey No.361/3 ad measuring an extent of 2467 sq.ft in Aathanur Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.C.Arivazhagan
for Mr.M.Sathish

For R1 to R3 : Mrs.R.L.Karthika
Government Advocate

For R4 and R5 : No Appearance

ORDER

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

The present Writ Petition is filed for a direction to the respondents 1 to 4 to consider her representation dated 25.08.2022 and take appropriate proceedings for removal of the encroached, unauthorised and illegal constructions of the building put up by the 5th respondent in Plot



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No.755, situated in Vedhachalam Nagar promoted by the Ashok Leyland Employees' Co-Operative House Construction Society Ltd., specifically comprised in Survey No.361/3 ad measuring an extent of 2467 sq.ft in Aathanur Village, Sriperumbudur Taluk, Kancheepuram District, belongs to the petitioner.

2. Heard Mr.C.Arivazhagan, learned counsel appearing for the petitioner as well as Mrs.R.L.Karthika, learned Government Advocate appearing for the respondents 1 to 3 and perused the entire materials on record.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of Plot No.755, situated in Vedhachalam Nagar promoted by the Ashok Leyland Employees' Co-Operative House Construction Society Ltd., specifically comprised in Survey No.361/3 ad measuring an extent of 2467 sq.ft in Aathanur Village, Sriperumbudur Taluk, Kancheepuram District. The 5th respondent owns a Plot No.756 measuring to an extent of 2419 sq.ft in the same Vedhachalam Nagar. Due to the health condition, the petitioner did not visit her property. After Covid-19 pandemic period, when she visited her property, she came to



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know that the 5th respondent is constructing the building in Plot No.755 without any building plan and approval. The petitioner issued legal notice dated 02.06.2022 to the 5th respondent calling upon the 5th respondent to demolish the superstructure put up in Plot No.755 and to pay a sum of Rs.20,00,000/- as compensation. The 5th respondent sent a reply dated 13.06.2022 denying the allegations made by the petitioner and did not come forward to demolish the construction put up in Plot No.755. In such circumstances, the petitioner sent a representation dated 25.08.2022 to the respondents 1 to 4 to take action for removal of unauthorised construction. Since no order has been passed, the petitioner has come out with the present writ petition for the above stated relief.

4. This Court by an order dated 02.02.2023 directed the 3rd respondent/Tahsildar to inspect the properties in both Plot Nos.755 and 756 in S.No.361/3, with a help of Surveyor and file a report before this Court within four weeks.

5. The 3rd respondent has filed counter affidavit. Mrs.R.L.Karthika, learned Government Advocate appearing for the respondents 1 to 3 filed typed set of papers enclosing the copies of FMB, Adangal and Chitta and



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submitted that 3rd respondent inspected the property and found that the 5th respondent is constructing the building in Plot No.755 instead of 756.

The learned Government Advocate appearing for the respondents 1 to 3 further submitted that the 5th respondent has obtained approval for construction in Plot No.756, but constructed building in Plot No.755 for which no approval is obtained by 5th respondent.

6. In view of the above, construction in wrong area is also unauthorised construction. Considering the above, the respondents 2 and 4 are directed to take appropriate proceedings for removal of unauthorised construction put up by the 5th respondent, after issuing notice to the petitioner as well as 5th respondent and proceed further in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

(V.M.V., J) (V.L.N., J)
02.03.2023

Index : Yes / No
Neutral Citation : Yes / No
dm



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V.M.VELUMANI, J.
and
V.LAKSHMINARAYANAN, J.

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To

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