



W.P.No.30806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

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M.Malliga

.. Petitioner

Vs.

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore,
Chennai – 600 008.
- 2.The District Collector,
Thiruvallur District,
Thiruvallur.
- 3.The Deputy Director of Town and Country Planning,
Thiruvallur District,
Thiruvallur.
- 4.The Assistant Director of Panchayats,
Thiruvallur District,
Thiruvallur.
- 5.The Block Development Officer (BDO),
Puzhal Panchayat Union,
Puzhal,
Ponneri Taluk,
Thiruvallur District.



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6. The President/Executive Officer,
Vilangadupakkam Village Panchayat,
Puzhal Panchayat Union,
Ponneri Taluk
Thiruvallur District.

7. The Authorized Officer,
Sri Sai Sarvesh Polymers,
Plot No.109, Tirupathy Nagar,
Vilangadupakkam Village and Post,
Ponneri Taluk,
Thiruvallur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to take appropriate action on the unauthorized construction of Buildings situated in Vilanadupakkam Panchayat Union including 7th respondent based on the representation dated 07.09.2022 within stipulated time.

For Petitioner : Mr.C.Prabakaran

For R1 : Mr.C.N.Vinobha
Standing Counsel

For R2 to R4 : Ms.R.L.Karthika
Government Advocate

For R5 and R6 : Mr.R.Vigneshwaran
Government Advocate

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 6 to take appropriate action on the unauthorized construction of



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buildings situated in Vilanadupakkam Panchayat Union including 7th respondent based on the representation dated 07.09.2022 within stipulated time.

2. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner, Mr.C.N.Vinobha, learned Standing Counsel appearing for the 1st respondent, Ms.R.L.Karthika, learned Government Advocate appearing for the respondents 2 to 4 as well as Mr.R.Vignwshwaran, learned Government Advocate appearing for the respondents 5 and 6 and perused the entire materials on record.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a politician and she was elected as Councilor of Ward No.II, Puzhal Panchayat Union, Thiruvallur District. During the inspection made by the petitioner in her ward, she came to know that there are several buildings and factories constructed unauthorizedly and running without valid permission for building plan and site approval from the Local Planning Authority as well as State Planning Authority. She further submitted that in this regard on earlier occasion, the Commissioner, Puzhal Panchayat Union has sent a communication to the



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Assistant Director of Panchayat for taking action against the Panchayat President, who granted illegal approval. Thereafter, the 2nd respondent directed the 5th respondent to take action against the persons who put up unauthorised construction, but no action was initiated by the 5th respondent.

4. The learned counsel appearing for the petitioner further submitted that the petitioner made a specific complaint to the official respondents regarding unauthorised construction without even getting necessary planning permission from CMDA/1th respondent and Local Planning Authority. He further submitted that the 7th respondent herein is also carrying on the commercial activities in the said building without obtaining any permission from the authorities. In this regard, he sent representations dated 04.08.2022 and 07.09.2022 to the respondents 1 to 5 requesting to take action against the unauthorised construction put up by the 7th respondent. Since the respondents 1 to 5 have not taken any action, the petitioner has come out with the present writ petition.

5. Mr.C.N.Vinobha, learned Standing Counsel appearing for the 1st respondent and Ms.R.L.Karthika, learned Government Advocate



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appearing for the respondents 2 to 4 submitted that the respondents 1 to 5 will inspect the property in question and take necessary action in accordance with law.

6. Considering the nature of relief sought for in the present writ petition, the respondents 1 to 5 are directed to inspect the property in question after issuing notice to the petitioner and 7th respondents within a period of fifteen days from the date of receipt of a copy of this order and if there is any unauthorised construction put up by the 7th respondent, the respondents 1 to 5 shall take necessary action immediately in accordance with law within a period of eight weeks thereafter.

7. With the above direction, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
12.01.2023

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



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V.M.VELUMANI, J.
and
R.HEMALATHA, J.

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To

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