



W.P.No.31545 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM:

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

W.P.No.31545 of 2022

T.Sabitha

.. Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Executive Officer,
Mangadu Town Panchayat,
Mangadu Chennai-600 122.

3.Ramadoss .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st and 2nd Respondents to take necessary and immediate enforcement action against the 3rd Respondent deviated and unauthorised construction at Plot No.5A and 5B, A.R. Nagar, Mangadu Village, Chennai-600 122, as per the provision of Tamil Nadu Urban Local Bodies Act, 1998 and Rules 2000.



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For Petitioner : Mr.M.Devaraj
For R1 : Mr.C.N.Vinobha
Standing Counsel (CMDA)
For R2 : Mr.P.Srinivas
Standing Counsel
For R3 : Mr.S.Sathish Rajan

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 and 2 to take necessary and immediate enforcement action against the 3rd respondent deviated and unauthorised construction at Plot No.5A and 5B, A.R. Nagar, Mangadu Village, Chennai-600 122, as per the provision of Tamil Nadu Urban Local Bodies Act, 1998 and Rules 2000.

2. Heard Mr.M.Devaraj, learned counsel appearing for the petitioner, Mr.C.N.Vinobha, learned Standing Counsel appearing for the 1st respondent, Mr.P.Srinivas, learned Standing Counsel appearing for the 2nd respondent as well as Mr.S.Sathish Rajan, learned counsel appearing for the 3rd respondent and perused the entire materials on record.

3. The petitioner is a Power of Attorney of one T.Sabitha, who is



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the owner of Plot No.6 measuring to an extent of 3042 sq.ft., comprised in Survey Nos.357/9, 10 and 11 situated at A.R.Nagar, approved by MMDa PPD/LO.12/1998 in Mangadu Village, Sriperumbudur Taluk, Kancheepuram District. The 3rd respondent is the owner of adjacent plot of the petitioner bearing No.5, A.R.Nagar, Mangadu Village, Sriperumbudur Taluk, Kancheepuram District. The 3rd respondent sub divided the said plot into Survey Nos.5A and 5B measuring to an extent of 885 sq.ft., and 1876 sq.ft., respectively and put up construction contrary to the approved plan and also encroached 116 sq.ft of the petitioner's property. The petitioner has given various complaints to the respondents 1 and 2. Thereafter, the 1st respondent by its Letter No.EC/C-1/2420/2020, dated 30.05.2020 directed the 2nd respondent to take necessary action against the unauthorised construction put up by the 3rd respondent. The 3rd respondent informed that he is ready to co-operate and willing for the survey of the property in question. Inspite of that, the 2nd respondent has not inspected the property and has not taken any action. Hence, the petitioner has come out with the present writ petition.

4. Mr.S.Sathish Rajan, learned counsel appearing for the 3rd



respondent submitted that the 3rd respondent sub divided the property as Survey Nos.5A and 5B and constructed flats and sold the same to various third parties and there is no unauthorised construction put up by the 3rd respondent.

5. Mr.P.Srinivas, learned Standing Counsel appearing for the 2nd respondent submitted that the 2nd respondent/the Executive Officer, Mangadu Town Panchayat has now been upgraded as Mangadu Municipality and new Commissioner will inspect the property in question and if there is any unauthorised construction put up by the 3rd respondent, necessary action will be taken in accordance with law and prayed for dismissal of the writ petition.

6. It is the case of the petitioner that the 3rd respondent has put up construction contrary to the approved plan without leaving any side setback and also encroached a portion of the land belonging to the petitioner. In the typed set of papers, the petitioner has enclosed a letter dated 30.05.2020 issued by the 1st respondent to the 2nd respondent to take necessary action in respect of unauthorised construction. Inspite of the same, the 2nd respondent has not taken any action from 30.05.2020.



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7. Considering the relief sought for in the present writ petition and the letter dated 30.05.2020 issued by the 1st respondent to the 2nd respondent to take necessary action with regard to unauthorised construction put up by the 3rd respondent, the 2nd respondent/Executive Officer/Commissioner (now upgraded as Mangadu Municipality) is directed to inspect the property in S.Nos.5A and 5B situated at A.R.Nagar, Mangadu Village, Sriperumbudur Taluk, Kancheepuram District, within a period of fifteen days from the date of receipt of a copy of this order and if any unauthorised construction is found, the 2nd respondent shall take necessary action in accordance with law within a period of eight weeks, thereafter.

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

(V.M.V., J) (R.H., J)
04.01.2023

Index : Yes / No
Internet : Yes / No
dm



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

dm

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
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No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Executive Officer,
Mangadu Town Panchayat,
Mangadu Chennai-600 122.

Copy to

The Commissioner,
Mangadu Municipality,
Mangadu, Chennai-600 122.

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