



WEB COPY

W.P.No.28422 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.28422 of 2018

V.Rukmani

.. Petitioner

Vs.

1.The Commissioner,
Kancheepuram Municipality,
Kancheepuram.

2.R.Leela

3.R.Anandh

.. 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 respondent to demolish the unauthorized construction put up by the respondents 2 and 3 in the 2nd and 3rd floors at Door No.96/55A, Annai Indira Gandhi Salai, Near Municipality Office, Peria Kanchipuram – 631 502.

For Petitioner : Mr.S.Udhayakumar

For R1 : Mr.G.B.Rajesh

For RR 2 & 3 : Mr.M.Sriram



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ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the 1st respondent to demolish the unauthorized construction put up by the respondents 2 and 3 in the 2nd and 3rd floors at Door No.96/55A, Annai Indira Gandhi Salai, Near Municipality Office, Peria Kanchipuram – 631 502.

2.According to petitioner, she is residing at No.95/55B, Annai Indira Gandhi Salai, Near Municipality Office, Peria Kanchipuram – 631 502 and the respondents 2 & 3 are the owners of the petitioner's adjoining house. The respondents 2 & 3 have constructed the 2nd and 3rd floor unauthorizedly without sanctioned plan, which is projecting into the petitioner's property. Hence, the petitioner has given representation to the 1st respondent to demolish the unauthorized construction put up by respondents 2 & 3. The 1st respondent on 12.04.2012, sent reply to the petitioner that notice has been sent to the respondents 2 & 3 to demolish the unauthorized construction put up by them. The petitioner sent another representation to the 1st respondent on 31.01.2018, for which the 1st respondent on 05.02.2018 sent reply stating that respondents 2 & 3 did not obtain permission for construction of second and third floors and



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notice will be issued under Section 216 (1) & (2) of the Tamil Nadu District Municipalities Act, 1920 and take further proceedings. Even after said reply, no action was taken by the 1st respondent. In view of the same, the petitioner on 07.06.2018, sent another representation to the 1st respondent to take action against the respondents 2 & 3 to demolish the unauthorized 2nd and 3rd floors put up by them and has come out with the present Writ Petition for the relief sought for above.

3. Heard the learned counsel appearing for the petitioner, learned counsel appearing for 1st respondent and the learned counsel appearing for the respondents 2 & 3 and perused the entire materials on record.

4. Considering the above submissions made by the learned counsel appearing for the petitioner, the 1st respondent is directed to inspect the property in question within a period of 15 days from the date of receipt of a copy of this order after issuing notice to the petitioner as well as respondents 2 & 3 and if there is any unauthorized construction put up by respondents 2 & 3 is found during inspection, the 1st respondent is directed to take appropriate proceedings for removal of unauthorized construction within a period of four weeks thereafter.

5. With the above directions, the Writ Petition is disposed of. No



costs.

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(V.M.V., J) (V.L.N., J)
27.04.2023

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The Commissioner,
Kancheepuram Municipality,
Kancheepuram.

V.M.VELUMANI, J.



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and

V.LAKSHMINARAYANAN, J.

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