



WEB COPY



W.P.No.25197 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.25197 of 2018

Sivakumar Perumal
Rep. by his Power of Attorney Agent
S.Sundaramoorthy

.. Petitioner

Vs.

1.The Director of Town and Country Planning
4th Floor, PT. Lee. Chengalvaraya Naicker Building
No.807, Anna Salai
Chennai 600 002

2.The Member Secretary
Chennai Metropolitan Development Authority
No.8, Gandhi Irwin Road
Egmore, Chennai 600 008

3.The Member Secretary (I/C)
Mamallapuram Local Planning Authority
No.5, Rathas Shopping Complex
Mamallapuram
Chengalpet Taluk 603 104



W.P.No.25197 of 2016

4.The Director
Arihant Foundations and Housing Limited
Old No.25, New No.3, Ganapathy Colony 3rd Lane
Cenotaph Road, Teynampet
Chennai 600 018

5.The President
Pudhupakkam Village Panchayat
Chengalpattu District
(R5 *Suo motu* impleaded)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 and 3 to take immediate action against the 4th respondent herein in respect of the deviations, irregularities and illegalities committed by the 4th respondent herein in the matter of development of the property namely Flat No.C-202, Arihant Frangipani, M.R.Radha Main Road, Pudupakkam, Kelambakkam, Kancheepuram District pursuant to the representations made by the petitioner dated 26.10.2015, 05.12.2016 and 18.04.2017 and direct the 4th respondent to set right the deviations and maintain the residential complex of flats as per the planning approval.

For Petitioner	:	Ms.R.Meenakshi for Mr.S.Sadasharam
For R1 & R3	:	Mrs.R.L.Karthika Government Advocate
For R2	:	Mr.C.N.Vinobha Standing Counsel
For R4	:	Mr.Varun Mohan for Mr.G.Vivekanandan
For R5	:	Mr.E.Vijay Anand Additional Government Pleader



WEB COPY



W.P.No.25197 of 2016

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 and 3 to take action against the 4th respondent in respect of the deviations, irregularities and illegalities committed by the 4th respondent pursuant to the representations made by the petitioner dated 26.10.2015, 05.12.2016 and 18.04.2017 and for a direction to the 4th respondent to set right the deviations and maintain the residential complex of flats as per the planning approval.

2. The grievance of the petitioner is that the 4th respondent, in deviation from the approved plan had constructed flats. Hence, the petitioner sent representations dated 26.10.2015, 05.12.2016 and 18.04.2017 to the respondents. Since no action has been taken on the said representations, the petitioner has come out with the present writ petition for the relief sought for above.

3. Heard the learned counsels appearing for the parties and perused the materials on record.



4. Learned Government Advocate appearing for respondents 1 & 3 submitted that on receipt of the petitioner's complaint, the 3rd respondent inspected the property in question and found that construction put up by the 4th respondent is in deviation from the approved plan and on instructions, submitted that the President, Pudhupakkam Village Panchayat is the authority to take action for removal of unauthorised construction. Hence, this Court, *suo motu* impleads the President, Pudhupakkam Village Panchayat, Chengalpattu District as 5th respondent in this Writ Petition. Mr.E.Vijay Anand, learned Additional Government Pleader takes notice for the newly impleaded 5th respondent.

5. Considering the above materials and submissions made by the learned counsel for the parties, the 5th respondent is directed to inspect the property in question within a period of two weeks from the date of receipt of a copy of this order after issuing notice to the petitioner and 4th respondent and on inspection, if there is any unauthorised construction/deviation from the approved plan is found, the 5th respondent is directed to take appropriate action for removal of unauthorised construction / deviated construction, after issuing notice to the petitioner as well as the 4th respondent, within a period of four weeks thereafter.



W.P.No.25197 of 2018

6. With the above directions, this writ petition is disposed of. No costs.

WEB COPY

(V.M.V.,J.) (V.L.N.,J.)
25.04.2023

Index : Yes/No

Neutral citation : Yes/No

gya

To

1. The Director of Town and Country Planning
4th Floor, PT. Lee. Chengalvaraya Naicker Building
No.807, Anna Salai
Chennai 600 002

2. The Member Secretary
Chennai Metropolitan Development Authority
No.8, Gandhi Irwin Road
Egmore, Chennai 600 008

3. The Member Secretary (I/C)
Mamallapuram Local Planning Authority
No.5, Rathas Shopping Complex
Mamallapuram
Chengalpet Taluk 603 104

4. The Director
Arihant Foundations and Housing Limited
Old No.25, New No.3, Ganapathy Colony 3rd Lane
Cenotaph Road, Teynampet
Chennai 600 018

5. The President
Pudhupakkam Village Panchayat
Chengalpattu District

5/6



WEB COPY



W.P.No.25197 of 2018

V.M.VELUMANI, J.
AND
V.LAKSHMINARAYANAN, J.

gya

W.P.No.25197 of 2018

25.04.2023