



WEB COPY



W.P.No.29223 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.29223 of 2018

AND

W.M.P.No.34146 of 2018

Manjula

.. Petitioner

Vs.

1.The District Collector
Kancheepuram Collectorate
Kancheepuram District

2.The Commissioner
Kancheepuram Municipalities
Kancheepuram District

3.S.Ramesh

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to take appropriate action against the 3rd respondent for constructing the unauthorised building in door No.21/7, Thiruchakkarapuram Street, 2nd Division, Kancheepuram.



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For Petitioner : Mr.D.Lakshmipathy
For R1 : Mr.P.Gurunathan
Additional Government Pleader
For R2 : Mr.G.B.Rajesh
For R3 : Mr.D.Balachandran

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 2nd respondent to take appropriate action against the 3rd respondent for constructing the unauthorised building in door No.21/7, Thiruchakkarapuram Street, 2nd Division, Kancheepuram.

2. Heard the learned counsel appearing for the parties and perused the materials available on record.

3. Learned counsel appearing for the petitioner submitted that the father of the petitioner and 3rd respondent, executed a partition deed on 01.08.1990 between the petitioner and 3rd respondent, which was registered as document No.1564/1990 at the office of the Joint Sub Registrar No.IV, Kancheepuram. While so, the 3rd respondent is constructing a building in his share by covering the common pathway allotted to the petitioner to reach her property. Hence, the petitioner gave



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a representation on 09.10.2018 to the 2nd respondent to take appropriate action against the 3rd respondent. Since no action has been taken on the said representation, the petitioner has come out with the present writ petition.

4. Learned counsel appearing for the 3rd respondent submitted that the construction put up by the 3rd respondent in the common pathway was already removed and there is no obstruction.

5. In view of the above rival submission, the 2nd 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 as well as the 3rd respondent and if there is any construction obstructing the common pathway by the 3rd respondent, remove the same in accordance with law, within a period of four weeks thereafter.

With the above directions, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Index : Yes/No
Neutral citation : Yes/No
gya

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



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

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To

1.The District Collector
Kancheepuram Collectorate
Kancheepuram District

2.The Commissioner
Kancheepuram Municipalities
Kancheepuram District

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