



W.P.No.6215 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.6215 of 2018

K.Ravikumar .. Petitioner

-VS-

1. The Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat, St.George Fort
Chennai 600 009
2. The Director
Directorate of Town and Country Planning
Head Office No.807, Anna Salai
Chennai 600 002
3. The District Collector
Kancheepuram District
Kancheepuram
4. Member Secretary (i/c)
Kancheepuram Local Planning Authority
No.1, Vallalar Street, Min Nagar
Kancheepuram 631 501



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5. The Deputy Director of Town and
Country Planning
Chengalpattu Region
No.124, GST Road
Periyar Shopping Complex
Chengalpattu 603 001

6. The Revenue Divisional Officer
Sriperumbudur
Kancheepuram District

7. The Block Development Officer
Athanur Village, Sriperumbudur Taluk
Kancheepuram District 603 202

8. T.S.Suresh Kumar .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to demolish the unauthorized construction constructed by the 8th respondent in Old Survey No.263, New Survey No.263/1A2 admeasuring the total extent of 7859 and as per Patta No.238 in Survey No.264/1, 264/2, New Survey No.264/1A1B & 264/4 bearing Plot No.1-5 in No.193, Athanur Village, Sriperumbudur Taluk, Kanchipuram District by considering the petitioner's representation dated 27.03.2017, within the time stipulated by this Hon'ble Court.

For Petitioner :: Mrs.Rajeswari Karthikeyan

For Respondents :: Mr.P.Kumaresan
Additional Advocate General
assisted by
Mrs.V.Yamuna Devi
Special Government Pleader
for R1 to R7
No appearance for R8



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ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed for issuance of a mandamus directing the respondents to demolish the unauthorized construction made by the eighth respondent in Old Survey No.263, New Survey No.263/1A2 admeasuring total extent of 7859 sq.ft., and as per Patta No.238 in Survey No.264/1, 264/2, New Survey No.264/1A1B & 264/4 bearing Plot No.1-5 in No.193, Athanur Village, Sriperumbudur Taluk, Kanchipuram District, by considering the petitioner's representation dated 27.03.2017.

2. The petitioner appears to be a neighbour complaining about the alleged offending construction without approval by eighth respondent. Despite notice being served on the eighth respondent and the eighth respondent has engaged a counsel, counsel for the eighth respondent is not present today. But a counter affidavit is filed stating that 5 plots of lands purchased by different persons including eighth respondent were developed as residential flats in 5 blocks and were sold in favour of present owners.



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The petitioner has not impleaded any of the present owners of the flats.

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3. Earlier this Court, by order dated 16.04.2018, directed the seventh respondent to cause inspection to find out whether the construction put up by the eighth respondent is authorized or not and to file a status report. Accordingly, the seventh respondent has filed the status report indicating that all the 5 blocks are occupied by 25 families. It appears that eighth respondent purchased a plot and obtained layout approval for his land from the Athanur Panchayat and that the building was constructed after obtaining plan approval. The seventh respondent though admits the sanctioned plan for the construction, contends that the construction is found with minor deviations. It is further stated by eighth respondent that the land that belongs to the petitioner is not adjacent to the land that belongs to the eighth respondent.

4. Having regard to the contentions of the seventh respondent in the status report and the counter affidavit of eighth respondent, this Court is of the view that the petitioner has no locus standi and he has come before this



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Court due to some motive as against the eighth respondent. Since it is stated that the construction is found in accordance with the approved plan with minor deviations and it is also stated by the seventh respondent that the minor deviations can be corrected, this Court finds that the writ petition is devoid of any merit and it is, therefore, dismissed for want of bona fides and for non-joinder of present occupants. However, the official respondents are directed to take action on their own in accordance with law. It is also open to the seventh respondent to consider the possibility of regularisation of the building, if such regularisation is permissible and feasible in accordance with the existing scheme or statutory provisions. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
15.03.2024

SS

To

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Housing and Urban Development Department
St.George Fort
Chennai 600 009



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S.S.SUNDAR,J.

AND

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