



W.P.No.9270 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM :

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

W.P.No.9270 of 2021

R.Saravana Kumar

..

Petitioner

v.

1. The District Collector
Krishnagiri District
Krishnagiri
2. The Director
Directorate of Town and Country Planning
807, Chengalvarayan Building
4th Floor, Anna Salai
Chennai 600 002
3. The Director
Urban Planning Department
District Collectorate
Krishnagiri 635 001
4. The Deputy Director
District Town and Country Planning
District Collectorate
Krishnagiri 635 001



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5. The President
Onnalvadi Panchayat
Hosur, Krishnagiri 635 109

6. M/s Aswani Properties India Private Limited
rep.by its Managing Director Mr.Anand Reddy
No.M-602, 6th Floor
Seven Hills Apartment
Near Balaji Theatre, Balaji Nagar
Tavarakere
Bangalore 560 029

7. The Block Development Officer
Hosur
(R7 suo motu impleaded vide order
dated 25.08.2023 in WP.9270/2021)

8. Felix Antony Xavier
S/o Kuzhanthai Sami

9. K.Baskar

10.Krishnan

S/o Namakaran

11.C.Satheesh Kumar

12.A.Narendra Babu

13.Reghunatha Shyama Sunder

14.P.Venkatesh

15.K.Arokiya Raj

16.Jyotiben Rameshchandra Patel

W/o Rameshchandra Patel

17.S.Vijayalakshmi

18.C.Anand Reddy

19.Ganesh Shankar

S/o Ganesh

20.R.Sanjay Kumar

21.V.Thiyagarajan



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22.A.Chandrappa

(R8 to R22 impleaded vide order

dated 04.03.2024 in WMP.31442/23

in WP.9270/21)

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate and immediate action to demolish the unauthorized/illegal construction made by the 6th respondent at Springdale Layout, Onnalvadi Post, Hosur 635 109 by considering the petitioner's representation dated 12.12.2020.

For Petitioner :: Mr.R.Jayaprakash

For Respondents :: Mr.R.Vigneshwaran
Government Advocate for R1 to R5
& R7
No appearance for R6
Mr.N.Manokaran for R12

ORDER

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

This writ petition appears to be one without collecting sufficient particulars about the exact violations or deviations by anyone of the respondents. Except stating that the sixth respondent-Promoter had put up several constructions and encroached 900 feet from the actual allotted land where there is permanent structure, this Court is unable to find any detail or



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information about the nature of construction put up by the sixth respondent or any other respondent in violation of the building regulations. As a matter of fact, the petitioner has not even stated whether the violations were by the sixth respondent or by the newly impleaded respondents who have purchased villas from the sixth respondent. In the representation by the petitioner to the District Collector, the petitioner stated that planning permission was obtained by earmarking certain extent of land for 'personal use'. However, the sixth respondent has now put up constructions contrary to the layout plan approval. When the approval is obtained by showing a particular plot of land in a layout for 'personal use', it is open to the Promoter to develop the same as the Promoter wishes. In the absence of any particulars about the deviations or violations by referring to any approved plan, the petitioner's writ petition in order to fish evidence by filing an affidavit without giving proper particulars, cannot be entertained. The petitioner has failed to give sufficient particulars about the nature of violations or the offending constructions either by the sixth respondent or by the persons who have purchased villas from the Promoter. No allegation is made against anyone of the private respondents who has been impleaded



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now pursuant to the direction of this Court. In such circumstances, even the private respondents are not in a position to file their counter affidavit, as they may not even know the nature of construction put up by them in the villas purchased by them. Therefore, the writ petition is dismissed. However, liberty is given to the petitioner to file fresh writ petition with specific violations either with reference to approved plan or with reference to building development regulations subject to locus standi. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
22.04.2024

SS

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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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