



WEB COPY

W.P.No.8084 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

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

W.P.No.8084 of 2024

Anitha Manivasagam .. Petitioner
v.

1. The Commissioner
Kancheepuram City Municipal Corporation
Annai Indira Gandhi Salai
Kancheepuram 631 502

2. The District Collector
First Floor, Collectorate
Kancheepuram 631 501

3. S.Kuppulingam .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider and take necessary action on petitioner's representation dated 04.03.2024 with respect to the on-going construction being made in Survey No.215 1A3/1A4, 214 at III Cross Street, Arasu Nagar within a time limit stipulated by this Hon'ble Court.

For Petitioner :: Ms.S.Jaya Roshini
For Respondents :: Mr.Arun Dhanapalan



WEB COPY



W.P.No.8084 of 2024

Standing Counsel for R1
Mr.G.Nanmaran
Special Government Pleader for R2
R3-Tapal returned as 'Refused'

ORDER

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

Though service of Court notice on the third respondent is awaited, the private notice taken by the petitioner's counsel to the third respondent is returned with an endorsement 'Refused'. Therefore, this Court prima facie finds that the third respondent is evading service and hence inclined to dispose of this writ petition having regard to the limited scope of prayer made by the petitioner.

2. The case of the petitioner is that the third respondent has put up construction adjoining the petitioner's property without obtaining planning permission. A specific allegation is made that there is no building plan approval for the building put up by the third respondent and that the construction, which is dangerously close to the petitioner's house, is causing serious threat as well nuisance to the petitioner. Therefore, the petitioner submitted representations dated 09.01.2023 and 06.03.2023 to the official



W.P.No.8084 of 2024

respondents seeking them to take necessary action against the third respondent. Recently, a representation dated 04.03.2024 is also given to the official respondents. The learned counsel appearing for the petitioner now states that the first respondent should be directed to consider the petitioner's representation and to take appropriate action after holding proper enquiry.

3. Having regard to the limited scope of prayer that is now sought before this Court by the learned counsel for petitioner, without expressing any opinion on the merits of the petitioner's contentions in the affidavit filed in support of the writ petition or in the representation, the first respondent is hereby directed to consider the representation of the petitioner dated 04.03.2024 in accordance with law. The first respondent may conduct local inspection and shall pass appropriate orders after giving sufficient opportunity to the petitioner as well the third respondent. In case the construction put up by the third respondent is either in violation of the building rules or not in accordance with the building regulations, the first respondent is directed to take appropriate action within a period of twelve weeks from the date of receipt of a copy of this order. With this direction,



W.P.No.8084 of 2024

the writ petition stands disposed of. Consequently, W.M.P.No.9032 of 2024
is closed. No order as to costs.

Index : yes/no
Neutral citation : yes

(S.S.S.R.,J.) (N.S.,J.)
24.04.2024

ss

To

1. The Commissioner
Kancheepuram City Municipal Corporation
Annai Indira Gandhi Salai
Kancheepuram 631 502
2. The District Collector
First Floor, Collectorate
Kancheepuram 631 501



WEB COPY



W.P.No.8084 of 2024

S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

W.P.No.8084 of 2024

24.04.2024