



WP.No.10433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

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Anitha Raju

Petitioner

Vs

1. The President, Thirisoolam First Grade Panchayat
Pallavaram, Chennai-43
2. The Commissioner, St.Thomas Mount Panchayat Union
Chennai-16
3. The Director, Directorate of Town and Country Planning, Chennai-107
4. The Director, Directorate of Rural Development and Panchayat Raj
Saidapet, Chennai-15
5. The Managing Director, Chennai Metropolitan Development Authority
Chennai-103
6. F.Christina
7. The Commissioner, Tambaram Corporation,
Chennai

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents 1 to 6 to inspect the side set back area on the Western side of the Petitioner's premises and to remove the illegal unauthorised construction of the 7th Respondent deviating



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the approved plan, based on the representation dated 07.03.2024 within a time frame.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : Mr.R.Vigneswaran, GA-RR1 to 4
Mr.R.Sivakumar, Standing Counsel-R3
Mr.P.Balathandayutham,SGP-RR5 and 6
Mr.P.Arularasu-R7

ORDER

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

1. This Writ Petition is filed to issue a Writ of Mandamus to direct the Respondents 1 to 6 to inspect the side set back area on the Western side of the Petitioner's premises and to remove the illegal unauthorised construction of the 7th Respondent deviating the approved plan, based on the representation dated 07.03.2024 within a time frame.
2. This Court heard the learned counsel on either side and considered their submissions and also perused the materials placed on record.
3. The case of the Petitioner is that the 7th Respondent has put up an unauthorised construction in his land in Plot No.12B, M.P.T.Officers Colony, Thirisoolam, Chennai-43 adjacent to the Petitioner's residential house. According to the Petitioner, the construction put up by the 7th Respondent is contrary to the aproved building plan without providing any side set back, particularly, on the side opposite to the Petitioner's residential house.
4. The learned counsel for the Official Respondents submits that the Petitioner



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has not given any particulars about the deviation or the violations compared to the approved building plan.

5. This Court finds that the affidavit well as the representation of the Petitioner certainly indicate the nature of the violations. The specific contention of the Petitioner is that the 7th Respondent has not provided sufficient side set back on the Western side of the Petitioner's residential building. It is not in dispute that the construction was put up by the 7th Respondent and therefore, this Court, without going into the allegations made in the affidavit filed in support of this Writ Petition or the stand taken by the learned counsel for the Official Respondents, directs the Official Respondents to take appropriate action for removal of the unauthorised portion of construction if any put up by the 7th Respondent in deviation of the approved building plan.
6. The Respondents, after making local inspection of the property, shall find out whether the construction put by the 7th Respondent is either in deviation of the approved building plan or in violation of the building regulations. If there is any deviation from the approved building plan or violation of the building regulations, the Official Respondents are directed to take appropriate action, in accordance with law. During the course of enquiry, both the Petitioner as well as the 7th Respondent shall be put on notice and final orders shall be passed, considering the stand taken by both the Petitioner as well as the 7th Respondent, within a period of twelve weeks from the date of receipt of a



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copy of this order.

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7. With the above directions, this Writ Petition is disposed of. No costs.

(S.S.S.R.J.) & (N.S.J.)
02.07.2024

S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
Srcm

To

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Pallavaram, Chennai-43
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