



W.P.No.11341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27.06.2024

CORAM :

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

W.P.No.11341 of 2024

1. J.Dharmasagaran
2. D.Santhakumari .. Petitioners

v.

1. Directorate of Municipal Administration
75, Urban Administrative Building
Santhome High Road
MRC Nagar, Raja Annamalaipuram
Chennai 600 028
2. The Commissioner
Kancheepuram Corporation
Kancheepuram
3. K.R.Thiyagarajan
4. R.Padmanaban
5. The Assistant Director
Kancheepuram Local Planning Authority
No.33J/95, Kottampalayam Street
Rangaswamy Kulam (Old Employment Office)
Kancheepuram 631 501



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(R5 impleaded vide order of Court
dated 27.06.2024 in WMP.16190/24
in WP.11341/24)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to take action against the 3rd and 4th respondents for illegal construction made in Survey No.287/2A of Mr.K.R.Thiyagarajan, Son of V.M.K.Ramakrishnan, residing at No.56, Karukkinil Amarnthaval Koil Street, Kancheepuram and Survey No.287 of Mr.R.Padmanaban, Son of V.M.K.Ramakrishnan, residing at No.57, Karukkinil Amarnthaval Koil Street, Kancheepuram on the basis of the 1st respondent proceedings dated 23.02.2024 in Na.Ka.No.3689/2024/TP2 and consider the petitioner's representation dated 06.02.2024 within the time that may be fixed by this Hon'ble Court.

For Petitioners :: Mr.M.Gnanasekar

For Respondents :: Mr.G.Nanmaran
Special Government Pleader for R1
and R5
Mr.RA.Gopinath
Standing Counsel for R2
Mr.K.Murali for R3 & R4

ORDER

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

W.M.P.No.12433 of 2024 seeking to permit the petitioners to file a single writ petition stands allowed.



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2. This writ petition is filed for issuance of a mandamus directing the official respondents to take action against the respondents 3 & 4 for the illegal construction put up by them.

3. The learned counsel appearing for the private respondents submits that the writ petition is nothing but a litigation in pursuance of the order passed by this Court directing the official respondents to take action against the writ petitioners.

4. The question is whether the respondents 3 & 4 have put up illegal construction without planning permission or in violation of the planning approval obtained by them. If the violations are admitted, it is for the official respondents to take action. Considering the facts and circumstances narrated, without expressing any opinion on the merits of the petitioners' contentions, this Court directs the fifth respondent to take appropriate action, after holding enquiry, if there is unauthorized construction put up by the respondents 3 & 4. The fifth respondent shall also give adequate opportunity to the private respondents before proceeding with any enforcement action in



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the manner known to law. The writ petition stands disposed of. No costs.

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Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

27.06.2024

SS

To

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SS

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