



WEB COPY

W.P.No.12196 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

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

W.P.No.12196 of 2024

X.Jawaharlal

...Petitioner

VS.

1.The Member Secretary,
CMDA, Thalamuthu Nadarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

2.The Enforcement Cell CMDA,
Thalamuthu Nadarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

3.The Executive Officer,
Sembakkam Town Panchayat,
Chennai – 600 073.

4.Mr.Appavoo

5.Mrs.Reeta

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action against respondents 4 and 5 for putting up unauthorized structures in the open terrace in the property namely



Maruthi Tower bearing Plot No.8A sub-divided into Plot No.8A & 8B, in old Survey No.31 Part (As per patta New Survey No.31/17), Rajakilpakkam Village, Ambedkar Street, Kamarajapuram, Tambaram Taluk, Kancheepuram District, Sembakkam Town Panchayat, Chennai – 600 073 and further direct the respondents 4 & 5 to remove the water tanks installed in the common passage and the unauthorized portions immediately within the time to be stipulated by this Court.

For Petitioner : Mr.Bharath Kumar

For Respondents : Mr.R.Sivakumar for R1 & R2
Standing Counsel
R3 – No appearance
R4 – Tapal returned – unclaimed

ORDER

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

This writ petition is filed for issuance of writ of mandamus to direct the respondents 1 to 3 to take appropriate action against the respondents 4 and 5 for putting up unauthorized structures in the open terrace in the property namely Maruthi Tower bearing Plot No.8A sub-divided into Plot Nos.8A & 8B, in old Survey No.31 Part (As per patta New Survey No.31/17), Rajakilpakkam Village, Ambedkar Street, Kamarajapuram, Tambaram Taluk, Kancheepuram District, Sembakkam Town Panchayat, Chennai and further to direct the respondents 4 and 5 to remove the water tanks installed in the common passage and the unauthorized portions.



WEB COPY

W.P.No.12196 of 2024



2. Notice was served on the fifth respondent. However, notice sent to the fourth respondent returned with the endorsement “unclaimed, return to sender”.

3. It is also reported before this Court that the respondents 4 and 5 are husband and wife.

4. It appears that the fifth respondent obtained a sanctioned building plan and planning permission from the Executive Officer, Sembakkam Town Panchayat for construction of 5 dwelling units in Plot No.8A and 4 dwelling units in Plot No.8B respectively.

5. As per the approved plan, the Ground Floor is a Stilt Floor which is meant for sump, septic tank, provision for rain water harvesting and car parking. The complaint by the petitioner is that the respondents 4 and 5 illegally occupied the common passage and placed irremovable water tanks and blocked access to the other flat owners. As against the installation of iron grill gate and civil works done by the respondents 4 and 5 in violation of building regulation and planning permission, the petitioner submitted a few representations and filed the above writ petition for the relief stated above.



WEB COPY

W.P.No.12196 of 2024



6.The private respondents 4 and 5 have not appeared before this

Court despite notice and knowledge of the proceedings.

7.Considering the petitioner's representation for removal of unauthorized construction and obstruction caused by installation of water tank in the common passage and civil works made in the open terrace, this Court is inclined to issue the following directions:

The official respondents are directed to consider the representation of the petitioner dated 23.08.2023 after issuing notice to the petitioner and the respondents 4 and 5. After hearing the petitioner as well as the respondents 4 and 5, the official respondents shall take action if necessary within a period of 16 weeks from the date of receipt of a copy of this order. No costs.

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

10.07.2024

Index: yes/no
Speaking order:yes/no
Neutral Citation:yes/no
pam



W.P.No.12196 of 2024

To

WEB COPY

- 1.The Member Secretary,
CMDA, Thalamuthu Nadarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore,
Chennai – 600 008.
- 2.The Enforcement Cell CMDA,
Thalamuthu Nadarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore,
Chennai – 600 008.
- 3.The Executive Officer,
Sembakkam Town Panchayat,
Chennai – 600 073.



WEB COPY



W.P.No.12196 of 2024

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

Pam

W.P.No.12196 of 2024

10.07.2024