



WEB COPY



W.P.No.12586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.No.12586 of 2024
and W.M.P.No.13749 of 2024

A.Ilamathi

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-09.

2.Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-09.

3.The Managing Director,
TWAD Board, 31, Kamarajar Salai,
Chepauk, Chennai-05.

4. The District Collector,
First Floor, Collectorate,
Tiruvallur-602 001.

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5.The Municipal Commissioner,
Poonamallee Road, Poonamallee, Chennai-56.

6.The Town Planning Officer,
Poonamallee Road, Poonamallee, Chennai-56.

7.The Executive Engineer,
The Tamil Nadu Water Supply and
Drainage Board, Water Supply Division,
(Tiruvallur Division),
No.6/24, Lal Bahadur Street,
Tiruvallur HO, Tiruvallur-602 001
Periyakuppam near Thulasi Theatre.

8.The Commissioner of Police,
O/o. The Commissioner of Police,
Avadi Commissionerate,
Ambattur, Chennai.

9. The Inspector of Police,
Poonamallee Police Station,
Chennai.

10.Chandrasekara Raju

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing respondents 1 to 7 to consider the petitioner's representation dated 17.04.2024 and take appropriate action against the illegal act of unauthorized construction of the 10th respondent herein.



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For Petitioner : Mr.S.Madhusudanan
For R1, R2 & R4 : Mr. P.Sanjay Gandhi, Govt. Advocate
For R3 : Ms.Mekhala, Standing Counsel (TWAD)
For RR5 to 7 : Mr.P.Ganesan, Addl. Govt. Pleader
For R8 & R9 : Mr.K.M.D.Muhilan, Govt. Advocate

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA,J.]

By consent of both the parties, this Writ Petition has been taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed for a direction to respondents 1 to 7 to consider the petitioner's representation dated 17.04.2024 and take appropriate action against the illegal act of unauthorized construction of the 10th respondent.

3. According to the petitioner, the 10th respondent is the owner of the premises situated at Plot no.10, Lakshmi Nagar, Poonamallee village and constructed an unauthorised three storied building at the setback of the



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above mentioned property. The petitioner further states that the 10th respondent has also encroached the common pathway during 2017 and put up a construction, against which, the petitioner has filed a suit and the same was dismissed on the ground of non appointment of Advocate Commissioner. Challenging the same, the petitioner filed an appeal and the same is pending. On 14.03.2024, when the petitioner along with his family went to their native place, the 10th respondent has again put up unauthorised construction at the common passage and closed the septic tank of the petitioner's house. In this regard, the petitioner lodged a complaint on 01.04.2024. Since no action was taken on the said complaint, the petitioner has made a representation dated 17.04.2024 to respondents 1 to 7 and has come out with the present Writ Petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1, 2 & 4, learned Standing Counsel appearing for the 3rd respondent, learned Additional Government Pleader appearing for respondents 5 to 7 and learned Government Advocate appearing for respondents 8 & 9.



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5.Considering the nature of relief sought for in the Writ Petition and the submissions made on either side, without deciding the issue on merits, respondents 1 to 7 are directed to consider the representation of the petitioner dated 17.04.2024 and pass orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as 10th respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

(A.D.J.C.,J.) (R.K.M.,J.)
08.05.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No

kj/mmi

To

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-09.

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2.Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-09.

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