



W.P.No.13098 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.13098 of 2024
and W.M.P.No.14256 of 2024

Dr.S.P.K.Kennedy Babu

.. Petitioner

Vs.

1. The Secretary,
Ministry of Municipal Administration and
Rural Development, Govt. of Tamil Nadu,
Fort St. George, Chennai-9.

2.The Director,
The Directorate of Municipal Administration,
No.75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai-28.

3.The Assistant Director,
District Town and Country Planning,
No.34, Tamizh Muthu Nagar,
Kondur, Cuddalore-607 006.

4.The Commissioner,
Cuddalore City Municipal Corporation,
Bharathi Road, Sorakalpattu,
Cuddalore-607 001.

5.B.Bagirathan
6. Manjrekha

..Respondents

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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 4th respondent to consider the petitioner's representation dated 09.04.2024 and initiate immediate action against the 5th and 6th respondents with regard to the unauthorized construction being raised by them at the western portion of shop site measuring an extent of 880 sq.ft situated at T.S.No. 1157, K.T.R. Nagar, Vanniyarpalayam, Beach Road, Cuddalore District by stopping the unauthorized construction and demolishing the same.

For Petitioner	:	Mr.A.R.Sakthivel
For Respondents	:	Mr.C.Kathiravan, Spl. Govt. Pleader for R1 to R4

ORDER

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

By consent, the main writ petition itself is taken up for final disposal at the admission stage.

2. This writ petition has been filed for the issuance of a writ of mandamus to direct the fourth respondent to consider the petitioner's representation dated 09.04.2024 and initiate immediate action against



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the 5th and 6th respondents with regard to the unauthorized construction being raised by them at the western portion of shop site measuring an extent of 880 sq.ft situated at T.S.No. 1157, K.T.R. Nagar, Vanniyarpalayam, Beach Road, Cuddalore District by stopping the unauthorized construction and demolishing the same.

3. It is the case of the petitioner that he is residing at Plot Nos.26 and 27, T.S. No.1157, K.T.R. Nagar, Vanniyarpalayam, Beach Road, Cuddalore District and the fifth and sixth respondents purchased a land measuring an extent of 880 sq.ft., opposite to the petitioner's residence. Respondents 5 and 6 started constructing a shopping complex in their land without obtaining planning permission and approval and without leaving the mandatory reserve space/setback. Despite the objection made by the petitioner, they proceeded with the construction and therefore the petitioner made a representation dated 09.04.2024 to the fourth respondent/Commissioner, Cuddalore City Municipal Corporation requesting to take action against respondent 5 and 6. The petitioner also sent a legal notice dated 09.04.2024 followed by another legal notice dated 27.04.2024 to the fourth respondent. Despite receipt of



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representation as well as legal notices, the fourth respondent has not taken any action. Hence the present writ petition.

4. Heard Mr.A.R.Sakthivel, learned counsel for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader, who accepts notice on behalf of the official respondents/respondents 1 to 4.

5. In view of the limited prayer sought for by the petitioner, without going into the merits of the case, the fourth respondent is directed to consider the representation of the petitioner dated 09.04.2024 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after giving notice to the interested parties.

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
Neutral Citation : Yes / No
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To

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**A.D.JAGADISH CHANDIRA, J.,
and
R.KALAIMATHI,J.**

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