



W.P.No.23571 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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K.Kumar

... Petitioner

Vs.

- 1.The Commissioner,
The Greater Chennai Corporation,
Rippon Building,
Chennai 600 002
- 2.The Assistant Engineer,
Zone 4, No.266, T.H.Road,
Chennai 600 021
- 3.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai 600 005
- 4.The Administrative Engineer,
Division-I, Hill Nagar,
Sunamy Housing Board,
Chennai 600 008
- 5.Ashok

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue Writ of Mandamus directing the respondents 1 and 2 to



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take action on the petitioner representation dated 26.07.2021.

For Petitioner : Mr.J.Venkatesaperumal

For Respondents

For R1, 2&4: Mr.G.T.Subramanian,
Standing Counsel

For R3 : Mrs.K.Indumathy Venkatesh,
Standing Counsel

ORDER

This writ petition has been filed for direction to the respondents 1 & 2 to take appropriate action on the representation submitted by the petitioner.

2. The petitioner owns property comprised in survey No.8/19, Bharathii Nagar, 8th Street, Korukkupet, Chennai admeasuring 400 sq.ft. While being so, the fifth respondent encroached some portion of the said property. He also constructed a house without any permission from the authority concerned. Therefore, the petitioner submission representation



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to action as against the fifth respondent.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the counter filed by the second respondent revealed that on receipt of the representation from the petitioner, enquiry was conducted. After enquiry, stop work notice was issued and called upon the fifth respondent to produce approved plan on 27.08.2021, as contemplated under Section 56(1) and 56 r/w 85 of Tamilnadu Town and Country Planning Act, 1971. However, the fifth respondent failed to reply and as such, the entire construction put up by the fifth respondent has been treated as unauthorised one and also issued lock and seal and demolition notice dated 25.10.2021. Aggrieved by the same, the fifth respondent also lodged complaint as against the petitioner alleging that the petitioner had constructed house without any planning permission. On receipt of the said complaint, the second respondent inspected the petitioner's premises and issued notice dated 25.10.2021 calling for the approved plan.



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5. In view of the above, the second respondent is directed to take appropriate action on the complaint lodged by the petitioner as against the fifth respondent and to pass orders on merits and in accordance with law as per the notice issued for lock and seal and demolition within a period of eight weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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- To
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