



W.P.Nos.27062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.27062 of 2024

VARALAKSHMI NAGAR PLOT OWNERS AND
RESIDENTS WELFARE ASSOCIATION,
REG.NO.545 OF 2005, PLOT NO.115,
VARALAKSHMI NAGAR, MADURAVOYAL,
CHENNAI-600 095, REP BY ITS PRESIDENT

.. Petitioner

Vs

1. THE MEMBER SECRETARY, CMDA
THALAMUTHU NATARAJAN MALIGAI,
NO.1, GANDHI IRWIN ROAD,
EGMORE, CHENNAI-600 008.
2. THE COMMISSIONER
GREATER CHENNAI CORPORATION,
RIPON BUILDING, CHENNAI-600 003.
3. THE ZONAL EXECUTIVE ENGINEER, ZONE-11
NO.33, ARCOT ROAD,
VALASARAWAKAM, CHENNAI-600 037.
4. THE TAHSILDAR, AMBATTUR TALUK
AMBATTUR, CHENNAI-600 053.
5. THE COMMISSIONER OF POLICE
EGMORE, CHENNAI-600 008.



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6. THE INSPECTOR OF POLICE
T-4, MADURAVOYAL POLICE STATION,
MADURAVOYAL, CHENNAI-600 095.

7. PATERSON CANCER CENTRE PRIVATE LTD,
PLOT NOS.133,136,137,138,139,
VARALAKSHMI NAGAR, 1ST STREET,
MADURAVOYAL, CHENNAI-600 095.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to forbear the 7th respondent from in any manner proceeding with the illegal and unauthorized commercial construction over plot Nos.133, 136, 137, 138, 139 spread up to shop area land and OSR land, Varalakshmi Nagar comprised in survey No.127/7CA, 1C, 1D, 128/1A2 of land having an extent of 20,478 sq.ft and to take steps to restore 30 feet wide road running east-west called Varalakshmi Nagar 1st Street, having width of 30 feet.

For the Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.C.Manohar
Standing Counsel
for 1st respondent

: Mrs.Vaitha Joice Rani
Standing Counsel
for respondents 2 and 3

: Mr.T.K.Saravanan
Government Advocate
for 4th respondent



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: Mr.R.Muniyapparaj
Additional Public Prosecutor
for respondents 5 and 6

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 3 to forbear the 7th respondent from in any manner proceeding with the illegal and unauthorized commercial construction over Plot Nos.133, 136, 137, 138, 139 spread up to shop area land and OSR land, Varalakshmi Nagar comprised in Survey Nos.127/7CA, 1C, 1D, 128/1A2 of land having an extent of 20,478 sq.ft and to take steps to restore 30 feet wide road running east-west called Varalakshmi Nagar 1st Street.

2. Learned counsel for the petitioner submitted that the 7th respondent is commencing construction of a commercial building without obtaining any planning permission or approval from the



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authorities concerned. It is further submitted that the 7th respondent has extended the construction by encroaching the common public road up to 5 feet, causing undue hardship to the plot owners. He added that airing the aforesaid grievance the petitioner sent a representation to the respondent authorities on 18.6.2024, but the same did not evoke any response and if a direction is issued to the second respondent to consider the said representation, the ends of justice would be subserved.

3. Considering the narrow scope of the relief sought in this writ petition, without expressing any opinion on the merits of the matter, we direct the second respondent to consider the representation of the petitioner dated 18.6.2024, on merits and in accordance with law, and pass appropriate orders within twelve weeks from the date of receipt of a copy of this order, of course after affording an opportunity to all the interested persons, including the 7th respondent. The entire exercise shall be concluded within a period of twelve weeks from the date of receipt of a copy of this order.



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The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.29577 and 29579 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B, J.)
11.09.2024

Index : Yes/No
NC : Yes/No
sasi

To:

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THALAMUTHU NATARAJAN MALIGAI,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

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