



W.P.No.28516 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28516 of 2017

E.Kaladevi

.. Petitioner

Vs.

1. The District Collector
Chengalpattu District
Chengalpattu.

2. The Tahsildar
Pallavaram Taluk
Pallavaram.

[R2 amended vide order dated
27.02.2018 in WMP No.34632/17]

3. The Recovery Officer
Kanchipuram District
Kanchipuram.

4. The Commissioner
Pammal Municipality
Pammal, Chennai 600 075.

[R1 & R4 amended vide order dated
07.11.2023 in WMP No.25906/23]



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5. K.Claustin David

6. The Chairman/Managing Director
Tamil Nadu Slum Clearance Board
Kamarajar Salai
Chennai 600 005.

.. Respondents

[R6 impleaded vide order dated
12.07.2018 in WMP No.17567/18]

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 4th respondent to take action pursuant to the proceedings bearing Na.Ka/6902/2016/Aa1 dated 26.09.2016 passed by the second respondent for the removal of encroachment and the illegal construction at No.13, Kasthuribai Street, Dr.Ambedkar Nagar, Chennai 600 075.

For the Petitioner : Mr.L.Dhamodaran

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for Respondents 1 to 3

Mr.P.Srinivas
for Respondent-4

Mr.R.Bharanidharan
for Respondent-5

Mr.G.Venkatesan
for Respondent-6



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.L.Dhamodaran, learned counsel for the petitioner, Mr.C.Kathiravan, learned Special Government Pleader for the respondents 1 to 3, Mr.P.Srinivas, learned counsel for the fourth respondent, Mr.R.Bharanidharan, learned counsel for the fifth respondent and Mr.G.Venkatesan, learned counsel for the sixth respondent.

2. A status report is filed by the fourth respondent Corporation, wherein, it is admitted that unauthorised construction has been carried out beyond the permission granted.

3. Learned counsel for the fifth respondent submits that the fifth respondent would demolish the deviation part of the construction and would submit a fresh application for permission with the fourth respondent Corporation.



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4. The said objectionable part of the construction shall be removed by the fifth respondent, as agreed by him, within three months from today and may submit the plan with the fourth respondent Corporation within 15 days thereafter. The fourth respondent Corporation shall consider the said plan and take decision, preferably, within one month from the date of submission of the plan.

5. If the fifth respondent fails to demolish the objectionable part of the construction within three months, then, the fourth respondent Corporation shall take further steps immediately as against the unauthorised construction of the fifth respondent.

6. If the fifth respondent removes the objectionable part of the construction within three months and submits the application for permission within 15 days thereafter, then, the fourth respondent Corporation shall decide the said application within one month thereafter.



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7. The writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

19.02.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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Pallavaram Taluk, Pallavaram.
3. The Recovery Officer
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Kanchipuram.
4. The Commissioner
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5. The Chairman/Managing Director
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