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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P No. 9523 of 2024

R.Karthikeyan

... Petitioner

Vs.

1. The Director,

Directorate of Municipal Administration,

75, Urban Administrative Building,

Santhome High Road, MRC Nagar,

Raja Annamalaipuram, Chennai 600 028.

2. The District Collector, District Collector Office,

Nagapattinam.

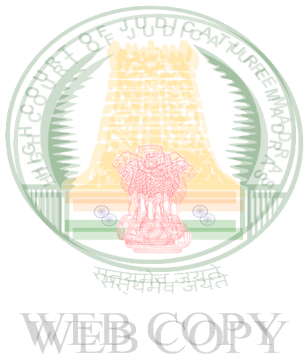
3. The Municipal Commissioner, Nagapattinam,

Nagapattinam District.

4. Kumar, S/o Velusamy

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the 4th respondent and to take action against the respondents 1 to 3 for their inaction, based on the petitioner's representation dated 26.08.2023.



For Petitioner(s): Mr.Swamy Subramanian

For Respondent(s): Mr.C.Selvaraj, Addl.Govt. Pleader
for R1
Mr. M.Venkateswaran,
Special Government Pleader
for R2

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ORDER

(Order of the Court was made by *J.NISHA BANU, J.*)

The present Writ Petition is filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the 4th respondent and to take action against the respondents 1 to 3 for their inaction, based on the petitioner's representation dated 26.08.2023.

2. It is the case of the petitioner that on the southern side of his property, the 4th respondent's land viz., 46.79 sqmtr in new T.S.No.1249/1, T.S.No.1249, Block No.15, Neela Mela Veedhi Mel Circle Ward No.3, Nagapattinam Town and Taluk, Nagapattinam District is situated. The 4th respondent demolished his old building and constructed a commercial building in the total area of the above said land, without leaving any setback, frontage area and put up the windows in the set back area of the petitioner. It is further contended by the petitioner that the 4th respondent, without leaving necessary space, constructed the building, violating the approved plan. Though the petitioner's father made



various representations and finally gave legal notice on 29.08.2022 to all the respondents, the respondents 1 to 3 have not taken any action against the 4th respondent and in view of the same, the 4th respondent had completed the building. Since the 4th respondent constructed the building in such manner stated supra, the petitioner and other nearby residents are suffering from enjoying their respective properties due to lack of ventilation and parking their vehicles. The petitioner also made representation to the respondents 1 to 3 on 26.08.2023, however, till now, no action has been taken. Hence the writ petition.

3. The learned Additional Government Pleader appearing for the respondents 1 and 3 submitted that, show cause notice was issued on 07.09.2022 to the 4th respondent with regard to the construction of building, deviating the approved plan and also further action has been proceeded against him under the provisions of Tamil Nadu District Municipalities Act.

4. Considering the facts and circumstances of the case and also taking into account the submissions made by the learned Additional Government Pleader, the respondents 1 to 3 are directed to take appropriate action on the representation of the petitioner dated 26.08.2023 in the manner known to law, after affording opportunity of personal hearing to the petitioner as well as the 4th respondent and pass orders, within a period of eight weeks from the date of receipt of a copy of this order.



5. With the above observations and directions, this writ petition is disposed of. There shall be no order as to costs.

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(J.N.B.J.)

(M.J.R.J.)

19.06.2025

mst

To

1. The Director,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai 600 028.
2. The District Collector, District Collector Office,
Nagapattinam.
3. The Municipal Commissioner, Nagapattinam,
Nagapattinam District.



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AND
M.JOTHIRAMAN, J.

mst

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