



WEB COPY

WP No.11060 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP No.11060 of 2025

and

WMP.No.12468 of 2025

R.Sarala,
W/o.Lakshmanan,
No.8, Achudoss Street,
Jesupatham Nagar,
Guduvancheri Village,
Chennai – 603 202
Chengalpattu District.

Petitioner(s)

Vs

1.The Commissioner,
Nandhivaram-Guducanchery Municipality,
GST Road, Guduvanchery – 603 202,
Chengalpattu District.

2.R.Saraswathi
W/o.Ramu,
No.8, Achudoss Street,
Jesupatham Nagar, Guduvancheri Village,
Chennai – 603 202,
Chengalpattu District.

Respondent(s)



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent herein to initiate appropriate further course legal action against the 2nd respondent pursuant to the liberty given by the Hon'ble Division Bench in W.P.No.28327 of 2023 dated 04.03.2024 with regard to notice issued by the 1st respondent in Deviation No.1/2023 dated 05.04.2023 issued under Section 205(1)(2) of the Tamilnadu District Municipalities Act 1920 and pass such further orders.

For Petitioner(s): Mr.J.Selvarajan

For Respondent: Mr.M.S.Prem Kumar,
Government Advocate for R1

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent herein to initiate appropriate further legal action against the 2nd respondent pursuant to the liberty given by the Hon'ble Division Bench in W.P.No.28327 of 2023 dated 04.03.2024 with regard to notice issued by the 1st respondent in Deviation No.1/2023 dated 05.04.2023 issued under Section 205(1)(2) of the Tamilnadu District Municipalities Act 1920.



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2. The petitioner and the second respondent, Saraswathi, are sisters and legal heirs of their parents. Their father had purchased a property in Guduvancheri, Chengalpattu District, in 1980. A partition deed in 1999 initially allotted separate portions to them, but they later exchanged their respective shares. As part of this exchange, the second respondent agreed to provide an 8-feet pathway to the petitioner in return for a financial loan of Rs.1,00,000/-.

3. In January 2023, the second respondent refused to provide the agreed-upon pathway, leading to disputes. Additionally, she began construction without leaving the required 5-feet setback, violating the Tamil Nadu Combined Development and Building Rules, 2019. The municipal authority issued a show cause notice directing her to stop construction, but she continued despite the notice. The Petitioner approached the High Court in W.P.No.14620 of 2023, and the authorities assured action. However, the second respondent challenged the notice in W.P.No.28327 of 2023, which was set aside on procedural grounds, allowing for fresh action. Despite the Petitioner's further representation in March and April 2024, no action was taken.



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4. Learned counsel appearing for the Petitioner contends that the second respondent has violated the approved building plan and encroached upon the agreed pathway. Despite the municipal authority's notice, she continued construction, disregarding legal obligations. The Division Bench's order only quashed the notice on procedural grounds, but the authorities have failed to initiate fresh action. Hence, the present writ petition is filed.

5. Learned Government Advocate appearing for the first respondent would submit that the representations of the petitioner dated 26.03.2024 and 29.04.2024 respectively, would be considered on merits, in accordance with law, within a time frame stipulated by this Court.

6. Heard both sides and perused the materials available on record.

7. Without going into the merits of the case, the 1st respondent is directed to consider the representations of the petitioner dated 26.03.2024 and 29.04.2024 respectively after conducting a detailed enquiry by giving due notice to the petitioner as well as 2nd respondent affording an



opportunity of personal hearing, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

11-07-2025

Cda/AP

Index: Yes/No

Speaking/Non-speaking order

To

The Commissioner,
Nandhivaram-Guducanchery Municipality,
GST Road, Guduvanchery – 603 202,
Chengalpattu District.



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N.MALA, J.

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