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WP.No.21853 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.21853 of 2025

and

W.M.P.No.24635 of 2025

A.Faritha Begam
W/o Late S.Abdul Kadhar

...Petitioner

Vs.

1. The Municipal Commissioner,
Kundrathur Municipality,
Chennai - 600 069.
2. The Thasildar,
Office of the Taluk Office,
Kundrathur Taluk,
Chennai - 600 009..
3. The Village Administrative Officer,
Kundrathur Village,
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari to call for the records pertaining to the impugned notice dated 25.04.2025 vide reference number Na.Ka.No.3953/2024/F1 passed by the 1st respondent herein in respect of



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the subject property situate at Gramanatha Survey No.3/1A, New survey No.3/28, Patta No.10, Plat No.16, Door No.16, Bazaar Street, Panchayat Colony, Kundrathur, Chennai - 600 069 and to quash the same.

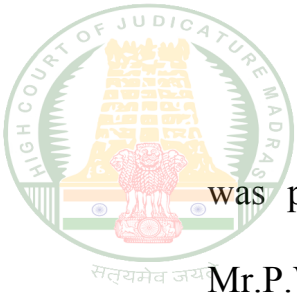
For Petitioner : Mr.R.Abdul Mubeen
For Respondents : Dr.T.Seenivasan,
Spl.Govt.Pleader for R1
Mr.M.Venkateswaran,
Spl.Govt. Pleader
for R2 & R3

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed challenging the impugned notice dated 25.04.2025 vide reference number Na.Ka.No.3953/2024/F1 passed by the 1st respondent herein in respect of the subject property situate at Gramanatha Survey No.3/1A, New survey No.3/28, Patta No.10, Plat No.16, Door No.16, Bazaar Street, Panchayat Colony, Kundrathur, Chennai - 600 069, by which, the petitioner was asked to vacate the subject property within 7 days stating that it was constructed without approval.

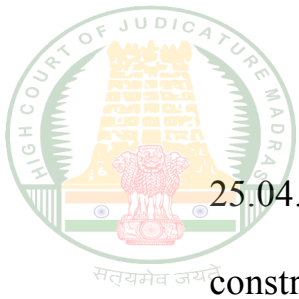
2. The case of the petitioner is that the subject property bearing Survey No.3/1A, New Survey No.3/28, Patta No.10, Plot No.16, Door No.16, Bazaar Street, Panchayat Colony, Kundrathur, Chennai - 600 069



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was purchased by the petitioner along with her husband from one Mr.P.Vasu, an authorized power Agent of the said Mr.Sankaravel, vide Sale Deed registered as document No.5422 of 2015 dated 08.04.2015 before the Sub-Registrar Office, Kundrathur, The said Mr.Sankaravel has originally purchased it from one Mr.P.Vijayaprakash. The first floor portion together with 1/2 undivided share of the subject property was purchased by the petitioner along with her husband from Mr.P.Vasu, the authorized Power of Mr.L.Venkataraman, vide Sale Deed dated 10.04.2015 registered before Sub-Registrar Office, Kundrathur. Mr.L.Venkataraman, originally purchased it from one Mr.P.Vijayaprakash. The subject property was altered and constructed after obtaining a planning permit dated 22.07.1992 from the Executive Officer, Kundrathur Panchayat.

(ii) A private complaint was lodged and the respondent issued notice dated 12.12.2025 calling upon the petitioner and her husband to submit necessary documents and plan approval with respect to the subject property. The petitioner's husband died on 22.09.2022. The petitioner received the notice dated 12.02.2025 from the respondent stating that the subject property would be locked and sealed as the same was constructed without approval. Despite submitted necessary documents and without any physical inspection, the petitioner was served with a notice dated



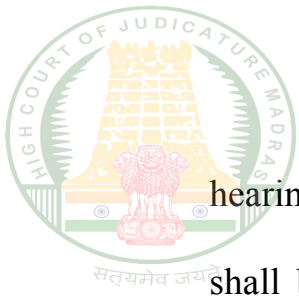
25.04.2025 to vacate the subject property within 7 days. The building was constructed 35 years ago and was approved by the then Executive Officer, Kundrathur Panchayat. The respondent authority is acting against the principles of natural justice. Hence, the present writ petition.

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3. Heard the learned counsel for the petitioner, the learned Special Government Pleaders appearing for the respondents and perused the materials available on record.

4. The learned counsel for the petitioners would state that for conversion of the residential building into commercial building, the petitioner had already given representation to the Commissioner, Kundrathur Municipality and the Municipal Commissioner is yet to take action. However, without any physical verification, the authorities have issued the impugned notice stating to vacate the premises within 7 days as the building is not constructed in accordance with the sanctioned plan.

5. On perusal of the records and on considering the submissions made by the learned counsel for the petitioner, we are of the opinion that the petitioner shall produce all the documents available with her to the 1st respondent and the 1st respondent shall give an opportunity of personal



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hearing to the petitioner and thereafter, to take action. Such an exercise shall be carried out by the respondent within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] [M.J.R.,J.]
27.06.2025

vsi
Speaking order/Non-speaking order
Neutral Citation:Yes/No

To

1. The Municipal Commissioner,
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Chennai - 600 069.
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