



WEB COPY



W.P.No.24044 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.24044 of 2025

A.S.Indira

... Petitioner

-VS-

1. Commissioner of Kundrathur Municipality,
Kundrathur,
Chennai.

2. P.Vinod Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to proceed further, by demolishing the construction of the 2nd respondent in Plot No.111, Metro Garden City, Kundrathur Village, Kundrathur Taluk, Kanchipuram District in pursuant to the de-occupation notice dated 22.11.2024 issued by the 2nd respondent.

For Petitioner : Mr.S.Sai Shankar

For R1 : Mr.R.S.Premkumar
Govt. Advocate

ORDER



W.P.No.24044 of 2025

WEB COPY

(By J.Nisha Banu,J.)

This Writ Petition has been filed for a direction to the 1st respondent to proceed further, by demolishing the construction of the 2nd respondent in Plot No.111, Metro Garden City, Kundrathur Village, Kundrathur Taluk, Kanchipuram District in pursuant to the de-occupation notice dated 22.11.2024 issued by the 2nd respondent.

2. Mr.R.S.Premkumar, learned Government Advocate takes notice for R1. Notice to R2 is dispensed with, as no adverse order is going to be passed against him. By consent, the Writ Petition itself is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that adjacent to her house, the 2nd respondent has constructed a two-storeyed residential apartment in violation of major deviations and the apartment has been constructed on a huge well without laying foundation on the area. Based on the complaint of the petitioner, an enquiry was conducted by Ombudsman, which came to the conclusion on 16.11.2023 that there is a violation of construction of



W.P.No.24044 of 2025

apartment. A Writ Petition No.11345 of 2024 was filed by the petitioner before this Court, wherein this Court, vide order dated 10.07.2024, directed the 1st respondent to proceed further with the enforcement action. Pursuant to the same, a stop work notice dated 15.06.2024 followed by lock and seal and de-occupation notices dated 09.07.2024 and 22.11.2024 were issued to the 2nd respondent. Thereafter, the 1st respondent has not taken any steps to demolish the construction of the 2nd respondent. Aggrieved by the same, the petitioner has filed the present writ petition.

4. Though the petitioner has come out with a larger prayer, the learned counsel for the petitioner would submit that it would suffice, if the 1st respondent is directed to conclude the proceedings in a time bound manner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the 1st respondent.

J.NISHA BANU, J.

AND



WEB COPY



W.P.No.24044 of 2025

M.JOTHIRAMAN, J.

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6. Considering the facts and circumstances of the case and also the submission of the counsel for the petitioner, this Court directs the 1st respondent to conclude the proceedings already initiated by them in pursuance of the earlier orders of this Court dated 10.07.2024, by giving an opportunity of personal hearing to the petitioner and R2, as per law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B,J.,) (M.J.R,J.,)
03.07.2025

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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To:
Commissioner of Kundrathur Municipality,
Kundrathur,
Chennai.

W.P.No.24044 of 2025