



W.P.No.27492 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.07.2025

C O R A M

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

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C.Chinnasamy

... Petitioner

-VS-

1. The Commissioner,
Erode Municipal Corporation,
Brough Road, Erode District.
2. The Assistant Commissioner,
Erode Municipal Corporation Division-2,
Thindal, Erode District.
3. The Assistant Director,
Erode Town and Country Planning Authority Office,
Uzhavar Sandhai, Backside To Farmers Market,
Sampath Nagar, Erode District.
4. S.Amitha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate actions against the unauthorized constructions made in the common terrace area by 4th respondent comprised in R.S.No.10/1, 2 and 3 situated at Shiva Sakthi Apartment, K.A.S.Nagar, Keel Thindal, Erode District by considering the petitioner's representation dated 30.01.2025.



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For Petitioner : Mr.M.Guruprasad
For R1 & R2 : Mr.Rajamathivanan
Standing Counsel
For R3 : Mr.M.Rajendran
Addl. Govt. Pleader

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed for a direction to the respondents 1 to 3 to take appropriate actions against the unauthorized constructions made in the common terrace area by 4th respondent comprised in R.S.No.10/1, 2 and 3 situated at Shiva Sakthi Apartment, K.A.S.Nagar, Keel Thindal, Erode District by considering the petitioner's representation dated 30.01.2025.

2. Mr.Rajamathivanan, learned Standing Counsel takes notice for R1 and R2. Mr.M.Rajendran, learned Additional Government Pleader takes notice for R3. Notice to R4 is dispensed with, as no adverse order is going to be passed against her. 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 he had purchased a flat to



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an extent of 340 sq.ft., in the 1st floor of Shiva Sakthi Apartment and is entitled to use all the common areas of the apartment. While so, the 4th respondent herein, who has purchased a flat to the extent of 271.25 sq.ft. in the 3rd floor put up an unauthorized construction and causing severe damages to the flat of the petitioner. The petitioner is also not in a position to use the common area of the 3rd floor. Though the petitioner has given a representation dated 30.01.2025 to the respondents 1 & 2 for removal of the unauthorized construction, his efforts ended in vain. Hence, the petitioner is before this Court.

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 respondents 1 & 2 are directed to consider the representation of the petitioner.

5. Learned Standing Counsel appearing for the respondents 1 & 2 stated that a considerable time may be granted to the respondents 1 & 2 for considering and passing appropriate orders on the representation of the



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petitioner.

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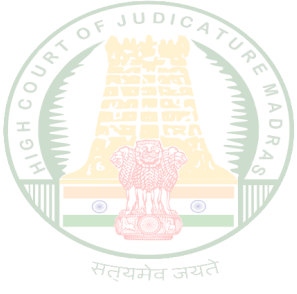
6. Considering the facts and circumstances of the case and also the submission of the counsel for the petitioner, we deem it fit that it would suffice to direct the respondents 1 & 2 to consider the representation of the petitioner dated 30.01.2025. Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 30.01.2025 of the petitioner, by giving an opportunity of personal hearing to the petitioner and R4 and thereafter, pass necessary orders on merits and in accordance with law. Such an exercise shall be carried out 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.

(J.N.B,J.,) (M.J.R,J.,)
29.07.2025

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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