



WEB COPY

W.P. No. 36161 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P. No. 36161 of 2023

1. E.K.Singaara Arasu
S/o.E.S. Kesavanandam, Plot No.23,
Sangeetha Nagar, Ashramam Salai,
Near, Sevvapet Railway Station,
Thozhur- 602 025, Tiruvallur District.

Petitioner(s)

Vs

1. The District Collector
Collector Office, NH 205,
Chennai-tiruttani Hwy,
Tiruvallur- 602 001.

2.The Block Development Officer
Tiruvallur Block Development Office,
Ikkadu, Chinnaekkadu,
Tiruvallur- 602 021.

3.Thozhur Panchayat, Rep By Its
President
Thozhur Panchayat,



Thozhur- 602 025, Tiruvallur District.

4.D.Ramesh Babu

S/o.C.M.Devarajulu, No.46, Venus
Street, Madiyalagan Nagar,
Padi, Chennai- 600 050

5.B.Santhosh Kumar

S/o.Balakrishnan, No.17/9, Ground
Floor, Karnan Street, Mogappair West,
Chennai- 600037.

6.J.Devaji Rao

S/o.Jayaraman Rao, Plot No.24a,
Sangeetha Nagar, Sevvapet Railway
Station, Thozhur-602 025,
Tiruvallur District.

7.M.S.Durga

W/o.M.Sampath Kumar, Plot No.24b,
Sangeetha Nagar Ashramam Salai,
Near Sevvapet Railway Station,
Thozhur- 602 025, Tiruvallur District.

8.D.Sachithanantham

S/o.Dayalan, Plot No.24c, Sangeetha
Nagar Ashramam Salai, Near Sevvapet
Railway Station, Thozhur- 602 025,
Tiruvallur District.

Respondent(s)



PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to demolish the unauthorized construction constructed by the 4th and 5th respondent and close the borewell digged on the road in Plot No. 24 Comprised in Survey No.490/12, Sangeetha Nagar, Thozhur- 602 025, Tiruvallur District.

For Petitioner(s): Mr. N.Balaji

For Respondent(s): Mr. Um. Ravichandran
Special Government Pleader for R1

Mr. K.H. Ravikumar
Government Advocate For R2 and R3

Mr. A. Salmankhan for R4 and R5

Mr. K. Bommuraj for R6

Mr. S. Sathyaraj for R7

R8 – Served – No appearance

ORDER

(Order of the Court was made by M.S.RAMESH J.)

The present Writ Petition has been filed for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to demolish the unauthorized construction constructed by the 4th and 5th respondents and to close the borewell digged on the road in Plot No. 24 Comprised in Survey No.490/12, Sangeetha



Nagar, Thozhur- 602 025, Tiruvallur District.

WEB COPY

2. It is the case of the petitioner that he had purchased an approved Plot No.23 in Sangeetha Nagar, Thozur Village by a registered Sale Deed No.3113 of 2001 dated 11.07.2001 on the file of the Sub-Registrar Officer, Tiruvallur. The petitioner thereafter obtained the requisite plan approval, constructed a residential building in the said plot and has been residing therein since the year 2008.

3. It is further averred that on the northern side of the petitioner's property, there is Plot No.24 owned by the 4th respondent, and the 4th respondent, who in turn, had entered into an agreement with the 5th respondent for putting up a superstructure. The 4th and 5th respondents commenced the construction activity without obtaining prior planning permission and without maintaining the mandatory setback requirements. It is also alleged that they have dug a septic tank near the petitioner's well.



4. The learned counsel for the petitioner submits that the petitioner had sent a representation dated 02.08.2023 to the official respondents requesting them to initiate action against the 4th and 5th respondents. However, no action has been taken till date. Hence, the petitioner has been constrained to file the present Writ Petition.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.



WEB COPY

W.P. No. 36161 of 2023





WEB COPY

7. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs respondent Nos.1 to 3 to consider the representation made by the petitioner dated 02.08.2023 before the official respondent, if not already disposed of and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the private respondents and other interested persons in this regard, within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

(M.S.RAMESH, J.) (R.SAKTHIVEL, J.)

04-12-2025

Index :Yes/No
Speaking/Non-speaking order
Internet :Yes



Neutral Citation :Yes/No

ASI

WEB COPY

W.P. No. 36161 of 2023





To

1.The District Collector
Collector Office, NH 205,
Chennai-Tiruttani Hwy,
Tiruvallur- 602 001.

2.The Block Development Officer
Tiruvallur Block Development Office,
Ikkadu, Chinnaekkadu,
Tiruvallur- 602 021.

3.Thozhur Panchayat, Rep By Its
President
Thozhur Panchayat,
Thozhur- 602 025, Tiruvallur District.

4.D.Ramesh Babu
S/o.C.M.Devarajulu, No.46, Venus
Street, Madiyalagan Nagar, Padi,
Chennai- 600 050

5.B.Santhosh Kumar
S/o.Balakrishnan, No.17/9, Ground
Floor, Karnan Street, Mogappair West,
Chennai- 600037.

6.J.Devaji Rao
S/o.Jayaraman Rao, Plot No.24a,
Sangeetha Nagar, Sevvapet Railway
Station, Thozhur-602 025, Tiruvallur
District.

7.M.S.Durga



W/o.M.Sampath Kumar, Plot No.24b,
Sangeetha Nagar Ashramam Salai,
Near Sevvapet Railway Station,
Thozhur- 602 025, Tiruvallur District.

8.D.Sachithanantham

S/o.Dayalan, Plot No.24c, Sangeetha
Nagar Ashramam Salai, Near Sevvapet
Railway Station, Thozhur- 602 025,
Tiruvallur District.



WEB COPY

W.P. No. 36161 of 2023



M. S. RAMESH, J.
AND
R. SAKTHIVEL, J.

ASI

W.P. No. 36161 of 2023



WEB COPY

W.P. No. 36161 of 2023



04-12-2025