

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.16940 of 2015

B.S. Premalatha

... Petitioner

Vs

1. The Commissioner,
Krishnagiri Municipality,
Krishnagiri,
Krishnagiri District.

2. Padrinath

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of certiorarified Mandamus calling for the records pertaining to order bearing Na.Ka.No.3159/2014/F1, dated 18.07.2014 of the 1st respondent and quash the same and consequently direct the 1st respondent to initiate appropriate action under section 216 of the Tamil Nadu Municipalities Act 1920 and demolish the unauthorized building of the 2nd respondent constructed in an extent of 2400 sq.ft. at Krishnagiri RD, Krishnagiri SRD, Krishnagiri Taluk in Boganapalli Village in S.No.772 in Jakkappan Nagar 2nd Cross Krishnagiri.

For petitioner : Mr.R. Ramesh

For respondents : Mr.P.S.Sivashanmugasundram
Special Government Pleader
for R.1

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O R D E R

(Order of the Court was made by SATISH K. AGNIHOTRI,J.)

With the consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner is stated to be a neighbour of the property in question. Thus, the writ petitioner has come up with this writ petition seeking to quash the order of the first respondent dated 18.07.2014 and consequently a direction to the first respondent to demolish the unauthorized building of the 2nd respondent constructed in an extent of 2400 sq.ft. at Krishnagiri RD, Krishnagiri SRD, Krishnagiri Taluk in Boganapalli Village in S.No.772 in Jakkappan Nagar 2nd Cross Krishnagiri.

3. Learned counsel for the petitioner submits that the second respondent has constructed third floor building contrary to the permission obtained from the competent authority unauthorisedly, thus, a direction may be issued to the first respondent to initiate action forthwith for demolition of the aforesaid unauthorised construction made by the second respondent.

4. Pursuant to the notice of this Court dated 17.06.2015, the first respondent has filed a counter affidavit dated 29.06.2015 stating therein that an appropriate notice under the provisions of Tamil Nadu District Municipalities Act, 1920 (for short ' the Act') has been issued on 29.06.2015 granting 15 days time to the second respondent to demolish the deviated constructed portion.

5. In view of the above, no further adjudication is required in this writ petition. The first respondent is directed to take consequential action, after affording proper opportunity of hearing to the alleged encroacher viz., the second respondent, on merits and in accordance with law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of . No costs.

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s/d-

Assistant Registrar(Ad-I)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Krishnagiri Municipality,
Krishnagiri, Krishnagiri District.

+ 1 cc to Mr.R.Ramesh, Advocate SR 33194

jsv(co)
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