

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.2943 of 2015  
and M.P.No.1 of 2015

C.Arumugam ..... Petitioner

Vs.

1. The Director,  
Department of Town & Country Planning  
807, Anna Salai, Chennai,

2. The Assistant Director,  
Department of Town & Country Planning,  
Villupuram Region, TADCO Building,  
G.H.Road, Villupuram - 605 602.

3. Balaji ..... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking the relief of writ of mandamus to direct the respondents 1 and 2 forthwith to issue a suitable orders against the 3<sup>rd</sup> respondent from proceeding on illegal construction in Survey No.152/1 (New Survey No.149/1) situated at Pattanur village, Thiruchitrambalam Panchayath, Vannur Taluk an extent of 1 Acre.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.N.Sakthivel for RR.1 and 2  
Mr.S.Sounthar for R.3

ORDER

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

The only relief sought for in this writ petition is a direction to the 1<sup>st</sup> and 2<sup>nd</sup> respondents to take suitable action against the 3<sup>rd</sup> respondent in respect of illegal construction in Survey No.152/1 (New Survey No.149/1) situated at Pattanur village, Thiruchitrambalam Panchayath, Vannur Taluk an extent of 1 Acre.

2. Heard the learned counsel appearing for the petitioner as well as the respondents and also perused the pleadings and the documents appended thereto.

3. Pursuant to the notice issued by this Court, the 2<sup>nd</sup> respondent has filed a counter affidavit stating therein that sofar as encroachment over the land is concerned, that is a dispute between private parties. For that, the petitioner may approach the competent civil jurisdictional forum. In respect of the unauthorised construction, if any, necessary steps will be initiated under provisions of Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. It is contended by the learned Government Advocate that no action could be initiated on account of pendency of the writ petition.

4. In view of the aforesated, we are of the view that no further adjudication is necessary at this stage. However, we make it clear that the respondent authorities have to take action forthwith in respect of illegal and unauthorised construction under the provisions of law.

The writ petition stands dismissed accordingly. No costs. Consequently, the connected miscellaneous petition also stands dismissed.

Sd/-

Asst.Registrar (J )

/true copy/

Sub Asst. Registrar

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To

1. The Director,  
Department of Town & Country Planning  
807, Anna Salai, Chennai,

2. The Assistant Director,  
Department of Town & Country Planning,  
Villupuram Region, TADCO Building,  
G.H.Road, Villupuram - 605 602.

1 cc to Government Pleader, Sr. 19403

1 cc to Mr.K. Chandrasekaran, Advocate, Sr. 19314

W.P. No.2943 of 2015

SR (CO)  
kk 16/4



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