

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2015

CORAM:

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

W.P. No.4461 of 2015

D. Kandeasan

...Petitioner

vs.

1 The District Collector  
Collector Office  
Krishnagiri

2 The Director  
Town and Country Planning Authority  
Hosur

3 The Commissioner  
Hosur Municipality  
Hosur

4 Jothimani @ Jothiammal

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to take appropriate action in accordance with Tamil Nadu Town and Country Planning Act and demolish the unauthorised construction made by the fourth respondent in Town Survey No.902/2, Hosur Town, Krishnagiri District.

For petitioner : Mr. J. Nandagopal

For RR 1 - 3 : Mr. N. Sakthivel  
Government Advocate

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, takes notice for respondents 1 to 2. It is not necessary to issue notice to the fourth respondent, as no action can be taken without affording an opportunity of hearing to her. Thus, we are passing this order at the admission stage itself, without issuing notice to the fourth respondent.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 3 to take appropriate action in accordance with the Tamil Nadu Town and Country Planning Act and demolish the unauthorised construction made by the fourth respondent in Town Survey No.902/2, Hosur Town, Krishnagiri District.

3 The case of the petitioner is that on the basis of information received from the Public Information Officer, Hosur Municipality, that the construction in Survey No.902/2 near Ambika Industries, Opp. Petrol Bunk, Royakottai Road, Hosur Town, is unauthorised, he has written to the official respondents on 13.10.2014, to take appropriate action in accordance with law for removal of the said unauthorised structure. Yet, no steps have been taken. Thus, this writ petition.

4 The learned Government Advocate, submits that if, on inspection, it is found that the structure in question is unauthorised and illegal, the same will be removed, after affording an opportunity of hearing to the alleged violators of law.

5 Accordingly, we direct the authorities concerned to conduct an inspection of the structure in question and if on inspection, it is found that the structure in question is unauthorised and illegal as claimed by the petitioner, the same shall be removed, after affording an opportunity of hearing to the alleged violators of law, within a period of two weeks from the date of receipt of a copy of this order.

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6 The writ petition stands disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector  
Collector Office  
Krishnagiri
- 2 The Director  
Town and Country Planning Authority  
Hosur
- 3 The Commissioner  
Hosur Municipality  
Hosur

1 CC to Mr. J. Nandagopal, Advocate SR.No. 9719

1 CC to the Government Pleader, SR.No. 9851

CA (CO)  
PSI (10.03.2015)

W.P. No.4461 of 2015

सत्यमेव जयते  
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