

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.Nos.7621 of 2014 and 34127 of 2013

and

M.P.Nos.1 of 2014 & 1 of 2013

W.P.No.7621 of 2014:

R.Sakkubai

.. Petitioner

-vs-

1.The Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor,
Chepauk, Chennai-600 005.

2.The Commissioner,
Dharmapuri Municipality,
Municipal Office,
Dharmapuri-636 701.

3.The Chairman,
Dharmapuri Municipal Council,
Municipal Office,
Dharmapuri-636 701.

4.J.P.Balasubramaniam

.. Respondents

W.P.No.34127 of 2013:

J.P.Balasubramaniam

.. Petitioner

-vs-

1.R.Sakkubai

2.The Chairman,
Dharmapuri Municipal Council,
Municipal Office,
Dharmapuri-636 701.

3.The Commissioner,
Dharmapuri Municipality,
Municipal Office,
Dharmapuri-636 701.

4.The Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor,
Chepauk, Chennai-600 005. .. Respondents

Writ Petition No.7621 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to demolish the offending construction of the 4th respondent in the property in Old No.13/A, New No.5, Appavu Nagar, Dharmapuri-636 701 and which is contrary to the building regulations.

Writ Petition No.34127 of 2013 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the fourth respondent to issue suitable directions to the third respondent to take action under Section 216 of the Tamil Nadu District Municipalities Act in accordance with law and demolish the offending construction being carried on by the first respondent in the property in Old No.14, New No.3, Appavu Nagar, Dharmapuri-636 701 contrary to the building regulations.

For Petitioner : Mr.A.Abdul Hameed
for M/s.AAV Partners in
W.P.7621/2014 and
Respondent No.1 in
W.P.34127/2013

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1 to R3 in
W.P.7621/2014 and
R2 to R4 in W.P.34127/2013

M/s.C.Uma for R4 in
W.P.7621/2014 and Petitioner
in W.P.34127/2013

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

On listing of W.P.No.7621 of 2014, the writ petition filed by the private fourth respondent bearing No.34127 of 2013 was also called. These are writ petitions by two private parties making allegation of unauthorised construction against each

other.

2. On hearing the learned counsel for parties, it is directed that respondent No.2 (W.P.No.7621 of 2014) may get both the properties of two private parties inspected within one month of the receipt of the copy of this order and in case of detection of any unauthorised construction, action in accordance with law be taken, after notice to all concerned.

3. The writ petitions, accordingly, stand disposed of. No costs. Consequently, M.P.Nos.1 of 2014 and 1 of 2013 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor,
Chepauk, Chennai-600 005.
- 2.The Commissioner,
Dharmapuri Municipality,
Municipal Office,
Dharmapuri-636 701.
- 3.The Chairman,
Dharmapuri Municipal Council,
Municipal Office,
Dharmapuri-636 701.

+2cc to Ms.C. Uma, Advocate, S.R.No.67718 and 67717
+2cc to Mr.Abdul Saleem, Advocate, S.R.No.68201
+1cc to the Government Pleader, S.R.No.68483

pk(CO)
md(02/12/2016)

W.P.Nos.7621/2014 and 34127 of 2013