

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.13389 of 2016
and W.M.P.No.11743 of 2016

A.Balasubramaniam .. Petitioner

-vs-

- 1.The Tamil Nadu State Highways
Dept., Rep. By Competent Authority,
College Road, Tirupur, Tirupur Dist.
- 2.The Assistant Divisional Engineer,
O/o.Tamil Nadu State Highways Dept.,
College Road, Tirupur.
- 3.The Tirupur City Municipal Corporation,
Rep. By its Commissioner,
Mangalam Road, Tirupur Town,
Tirupur District.
- 4.The District Collector,
O/o.Collectorate, Palladam Road,
Tirupur District.
- 5.The Tahsildar,
Tirupur Taluk Office,
Kumaran Road,
Tirupur.

6.R.Rajammal .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 5 to initiate action against the 6th respondent for continuing unauthorised constructions by the 6th respondent in Plot No.23, comprised in S.No.327 situated at No.4-Chettipalayam Village, Tirupur TK & District and in the State Highways Anuparpalayam-Angeripalayam Road bearing No.SH.19 ODR

under the control of Highways Department (HD) under the provisions of the Tamil Nadu Highways Act, the Coimbatore City Municipal Corporation Act and Town and Country Planning Act to remove such unauthorised construction forthwith.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan, Addl.G.P. &
Mr.V.Shanmugasundar, G.A.,
for RR 1, 2, 4 & 5.

: M/s.P.Shanthi for R-3

* * * * *

O R D E R

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

We are surprised to note that the petitioner, a Corporator, is himself not able to ensure that unauthorised construction does not take place in his area and is seeking to knock the doors of the Court for appropriate action against the alleged illegality of the sixth respondent.

2.It is the case of the petitioner that the sixth respondent was initially carrying on construction on her own land, but that too is alleged to be without any sanction. This is an aspect the Corporation / the third respondent should have looked into. It is alleged that now there is an extension beyond the plot of the sixth respondent including of the land belonging to the Highways Department. Photographs in this behalf have been filed.

3.We call upon the second and third respondents to cause an inspection of the site within three (3) days of the receipt of the order to find out whether any extensions have been made and to take action in accordance with law by passing a speaking order, after notice to all concerned, thereafter within a maximum period of two (2) months from the date of receipt of the order.

4.We further direct that the sixth respondent will not carry on any construction unless it has been sanctioned by the third respondent.

5.Writ Petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.11743 of 2016 stands closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

1. The Competent Authority,
The Tamil Nadu State Highways
Dept.
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- 2.The Assistant Divisional Engineer,
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- 5.The Tahsildar,
Tirupur Taluk Office,
Kumaran Road,
Tirupur.

+1 cc to Mr.G.Ethirajulu Advocate sr.22497
+1 cc to Mrs.P.Shanthi Advocate sr.22911
+1 cc to Government Pleader sr.22788

W.P.No.13389 of 2016

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