

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM :

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE DR.JUSTICE S.VIMALA

W.P.No.4409 of 2016
&
W.M.P.No.3755 of 2016

P.Shanmugasundaram

... Petitioner

Vs.

1. The District Collector,
Erode Collectorate, Erode District.
2. The Joint Director,
Erode District Municipalities,
District Collector Complex, Erode.
3. The District Revenue Officer,
District Collector Complex, Erode.
4. The Revenue Divisional Officer,
Erode Division, Brough Road, Erode.
5. The Tahsildar,
Erode Taluk, Erode.
6. The Executive Officer,
Kodumudi Town Panchayat, Kodumudi.
7. The Deputy Director,
Town and Country Planning Authority,
Salem Zone,
No.6, Sannadhi Street,
Subramaniya Nagar/Sooramangalam,
Salem-636 005.
8. Thiru.Neelakandar Mandapam,
Rep. by its President Arumugam,
East Agraharam Street,
Kodumudi Village,
Erode Taluk, Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents 1 to 7 to take action against the eighth respondent, viz., the Thiru Neelakandar Mandapam, East Agrahara Street, Kodumudi Village, Erode Taluk, Erode District, on the basis of the petitioner's representation, dated 09.01.2016.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.P.S.Siva Shanmugha Sundaram,
Special Government Pleader
for RR-1 to 5 and R-7
Mr.Suriyanarayanan,
Government Advocate for R-6

ORDER

(The Order of the Court was made by M.Venugopal,J)

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents 1 to 7 to take action against the eighth respondent, viz., the Thiru Neelakandar Mandapam, East Agrahara Street, Kodumudi Village, Erode Taluk, Erode District, in view of the petitioner's representation, dated 09.01.2016 by appreciating the facts and circumstances.

2. Heard both sides.

3. According to the petitioner, about 103 individuals had purchased the property measuring an extent of 5458-3/4 Sq.Ft. at East Agraharam Street, Kodumudi Village, Erode Taluk and District, by means of registered sale deed in Doc.No.887/1996, Sub-Registrar Office, Kodumudi, together with an old building. Moreover, these individuals had purchased the adjacent property measuring an extent of 952 Sq.Ft. by way of sale deed bearing Document No.483/1998. The total extent of property is 6410-3/4 Sq.Ft., viz., 14.70 cents of land. The stand of the petitioner is that some repair works had been carried out in the said building and the same was let out for conducting public functions. In the year 2014, the old building was demolished and a new big hall was constructed with two floors, and it was named as "Thiru Neelakandar Mandapam". The specific plea of the petitioner is that the said Mandapam was constructed without obtaining any permission from the sixth respondent/Town Panchayat and other statutory authorities.

4. That apart, the petitioner takes a stand that the said Mandapam was constructed in a residential area, where there is a Higher Secondary School, wherein, nearly 3000 students are

studying. Apart from that, the Post Office is also situated in the same area. The said Mandapam was constructed without any parking facilities and on function days, people who attend the function are parking vehicles like two-wheelers and four-wheelers on the Street and in view of the same, the students and public suffer a lot. During the function days, noise was also created by playing trumpet, drums, etc., and the students consequently suffer a lot. Even the garbage is dumped in the Street, which has caused nuisance to the local residents.

5. The real grievance of the petitioner is that as a neighbour, he is suffering a lot because of the act of the eighth respondent. As such, the public of Kodumudi area raised objections to Kodumudi Town Panchayat (sixth respondent) and asked the authorities not to grant permission to the building of the eighth respondent. The petitioner sought information under the Right to Information Act on 26.08.2015 and that the sixth respondent furnished a reply on 25.09.2015 that the licence of the said building was cancelled. Even after cancellation of the licence, it appears that they are trying to obtain approval from the Deputy Director of Town and Country Planning, Salem Zone and in this regard, the petitioner made a detailed objection on 15.10.2015 on behalf of public. But, without getting permission, they have started conducting functions in the hall. Added further, the petitioner sent his individual representation on 09.01.2016 to the authorities praying for appropriate action.

6. At this juncture, it is brought to the notice of this Court that the seventh respondent/Deputy Director of Town and Country Planning Authority, is appropriate/competent authority to take action against the eighth respondent in regard to the illegal construction of the said Kalyana Mandabam.

7. On a careful consideration of the stand taken by the petitioner and also taking note of the fact that the petitioner's representation, dated 09.01.2016 has not met with positive response till date, this Court, without going into the merits of the matter and also not expressing any opinion on the contents of the representation of the petitioner, dated 09.01.2016, simpliciter directs the seventh respondent/Deputy Director of Town and Country Planning Authority, Salem Zone, to look into the representation of the petitioner, dated 09.01.2016 with all seriousness and to dispose of the said representation by passing a speaking order on merits, (outlining the process of reasoning), in a dispassionate manner, by providing adequate opportunities to all the parties concerned, including the eighth respondent, by issuing necessary notices and to hear the objections, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, the Writ Petition stands disposed of. W.M.P.No.3755 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

CS

To

1. The District Collector,
Erode Collectorate,
Erode District.
2. The Joint Director,
Erode District Municipalities,
District Collector Complex,
Erode.
3. The District Revenue Officer,
District Collector Complex,
Erode.
4. The Revenue Divisional Officer,
Erode Division, Brough Road, Erode.
5. The Tahsildar,
Erode Taluk, Erode.
6. The Executive Officer,
Kodumudi Town Panchayat,
Kodumudi.
7. The Deputy Director,
Town and Country Planning Authority,
Salem Zone, No.6, Sannadhi Street,
Subramaniya Nagar/Sooramangalam,
Salem-636 005.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.8127
+1cc to the Government Pleader, S.R.No.8247

W.P.No.4409 of 2016

CA(CO)
CA(17/02/2016)