

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

W.P.No.729 of 2016

D. Kasthuri

... Petitioner

Vs

1. The Executive Officer,  
Selection Grade Town Panchayat,  
Karimanagalam,  
Palakode Taluk,  
Dharmapuri District 635 111.

2. The District Collector,  
Dharmapuri District,  
Dharmapuri 635 111.

3. S. Kumar

.... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus forbearing the third respondent from proceeding with the illegal construction without due approval from the 1<sup>st</sup> and 2<sup>nd</sup> respondents and direct the respondents 1 and 2 to initiate appropriate legal action against the 3<sup>rd</sup> respondent for the unauthorized construction of huge commercial building comprised in S.No.325/2, situated in Trunk Road, Ward No.8, Karimangalam Town, Palacode Taluk, Dharmapuri District.

For Petitioner : Mr. V. Rajesh Babu

For Respondents : Mr. P.S.Sivashanmugasundaram  
Special Government Pleader - R1 & R2  
Mr. R. Subramanian - R3

ORDER

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

Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the official respondents and the learned counsel for the third respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. Seeking a direction to the first and second respondents to initiate appropriate legal action against the 3<sup>rd</sup> respondent for the unauthorized construction of huge commercial building comprised in S.No.325/2, situated in Trunk Road, Ward No.8, Karimangalam Town, Palacode Taluk, Dharmapuri District, the instant writ petition is filed.

3. In response, it is submitted by the learned Special Government Pleader appearing for the respondents 1 and 2 that on inspection, it was noticed that there was minor deviation and as such, a notice under Section 216 (b) of the District Municipalities Act, 1920 was issued on 21<sup>st</sup> January, 2016 and thereafter, a lock and seal notice was issued by the first respondent on 18<sup>th</sup> February, 2016.

4. According to the learned counsel appearing for the third respondent, an explanation, in response to the aforestated notices, has been submitted by the third respondent and an application along with the revised plan has also been filed by him.

5. In view of the aforestated subsequent development, we are not inclined to adjudicate the dispute in this writ petition, at this stage. However, we direct the respondents 1 and 2 to examine explanation/application made by the third respondent and take necessary action, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

ra.

To

1. The Executive Officer,  
Selection Grade Town Panchayat,  
Karimanagalam,  
Palakode Taluk,  
Dharmapuri District 635 111.

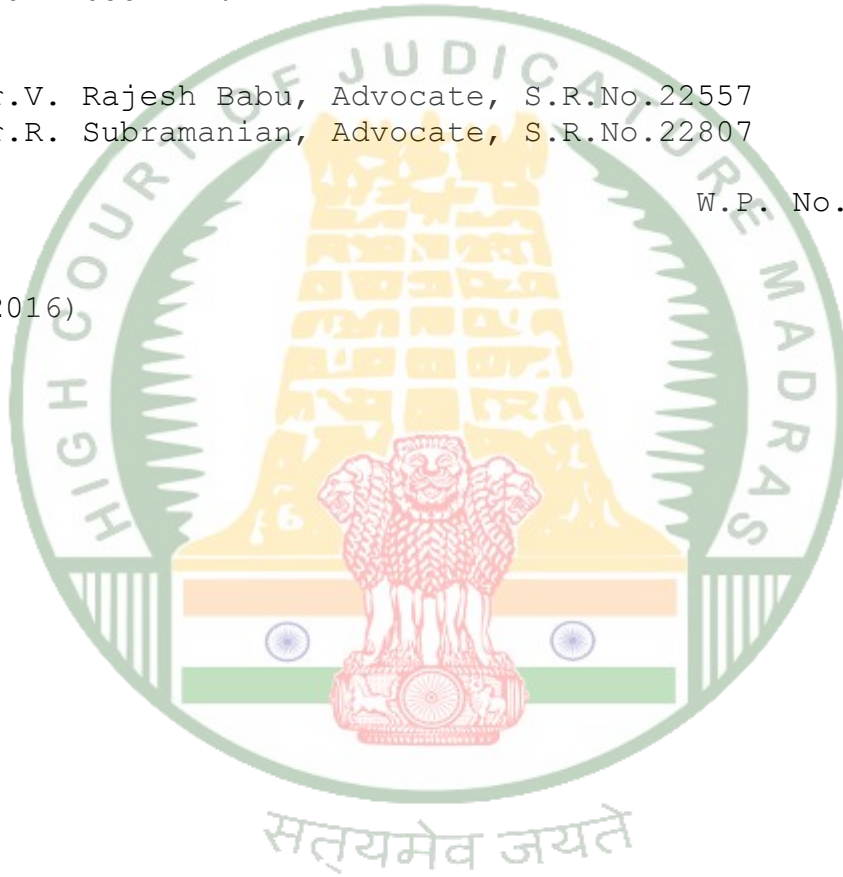
2. The District Collector,  
Dharmapuri District,  
Dharmapuri 635 111.

+1cc to Mr.V. Rajesh Babu, Advocate, S.R.No.22557

+1cc to Mr.R. Subramanian, Advocate, S.R.No.22807

W.P. No.729 of 2016

SKS (CO)  
CA(25/04/2016)



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