

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 18.08.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO**AND****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P(MD)No.21966 of 2015****and****M.P(MD)No.1 of 2015 and W.M.P(MD)No.287 of 2016**

S.Harikrishnan

... Petitioner

Vs.

1.The Director,
Department of Town and Country Planning Development,
No.807, Anna Salai, Chennai - 600 002.

2.The Assistant Director of Town Planning,
Madurai Region, Madurai.

3.The District Collector,
Office of the Collectorate,
Dindigul.

4.The Executive Officer,
Batlagundu Town Panchayat,
Batlagundu,
Dindigul District.

4.Dr.Sathish Kumar

5.Dr.Punithamani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 for their illegal construction at Building Society Colony, Gandhi Nagar Main Road, Batlagundu and demolish the illegal construction made in violation of the sanctioned plan.

For Petitioner

: Mr.D.Senthil

For Respondents

: Mr.C.Selvaraj,

Special Government Pleader

for R.1 to R.4

: Mr.G.R.Swaminathan for R.5 & R.6

**ORDER**

(Order of the Court was made by NOOTY.RAMAMOHANA RAO, J.)

WEB COPY This writ petition is instituted by one Thiru.S.Harikrishnan, seeking a writ of Mandamus for directing the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 for the illegal construction of a building by them at Gandhi Nagar Main Road, Batlagundu Town Panchayat and to demolish the said illegal construction.

2. None appears for the petitioner and the petitioner was also not present when his name is called out.

3. The present writ petition is stated to have been filed as a public interest litigation. The petitioner has asserted that his knowledge says that no similar petition has been filed before this Court. Whereas the respondents 5 and 6 in their counter affidavit, brought out that the present writ petitioner herein, namely, Thiru.S.Harikrishnan is none other than the driver of the motor vehicle of Thiru.M.Akilan, 17th Ward Councillor of Batlagundu Town Panchayat, Dindigul District. The said Akilan has filed the writ petition in W.P(MD)No.11929 of 2015, which was dismissed by us today, i.e. 18.08.2016. The averments contained in the present affidavit are virtually and paramateria of the same as those contained in the writ petition filed by the said Akilan.

4. We are, therefore, convinced that the present writ petition is an engineered one by the said Akilan himself.

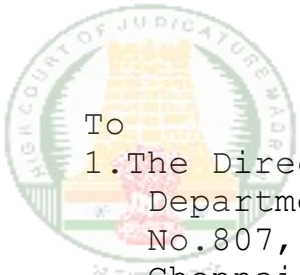
5. If the respondents 5 and 6 have made the constructions contrary to any approved building plan, the local body is bound to act in accordance with law and deal with any such offending constructions strictly in accordance with law as well. But however, the petitioner who has not even described himself as a tax payer to the local body, cannot lend support to his Pay Master, Thiru.M.Akilan, 17th Ward Councillor of Batlagundu Town Panchayat, who also instituted a writ petition in W.P(MD)No.11929 of 2015, which is also dismissed by us today.

6. Since we are convinced that the petitioner herein has not been prosecuting the writ petition *bonafidely*, this writ petition deserves to be dismissed and hence, the same is dismissed. But however, we take a lenient view in not imposing the costs on the writ petitioner. Consequently, M.P(MD)No.1 of 2015 is dismissed and W.M.P(MD)No.287 of 2016 is closed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/



To

1.The Director,
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2.The Assistant Director of Town Planning,
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Madurai.

3.The District Collector,
Office of the Collectorate,
Dindigul.

4.The Executive Officer,
Batlagundu Town Panchayat,
Batlagundu,
Dindigul District.

+1 cc to M/s.D.Senthil, Advocate in SR.No. 45634

rsb

CSL/PV/01.09.2016: 3p/6c

W.P (MD) No.21966 of 2015

and

M.P (MD) No.1 of 2015

and W.M.P (MD) No.287 of 2016

18.08.2016