



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.19463 of 2016

and

W.M.P. (MD) No.14024 of 2016

P.Santhanadurai

: Petitioner

Vs.

- 1.The Director,
Directorate of Town and Country Planning,
O/o. Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai - 2.
 - 2.The Deputy Director,
Directorate of Town and Country Planning,
O/o. Deputy Directorate of Town and Country Planning,
Madurai Zone,
No.4, Hakkim Azmalkhan Road,
Chinna Chokkikulam,
Madurai - 2.
 - 3.The District Collector,
Collectorate,
Dindigul.
 - 4.The President/Executive Officer,
Vilpatty Revenue Village Panchayat,
Kodaikanal Taluk,
Dindigul District.
 - 5.The Osher Villas,
Gurusamy Pallam,
Naidu puram,
Kodaikanal,
Dindigul District.
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove/demolish the unsafe and unauthorized construction of 14 buildings made by the fifth respondent at Survey No.787, Vilpatti Village, Kodaikanal, Dindigul District.



For Respondents
1 to 4

: Mr.Rajarajan
Government Advocate

O R D E R

WEB COPY [Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Public Interest Litigation alleging that the 5th respondent has made unauthorized construction of 14 buildings in S.No.787, Vilpatti Village, Kodaikanal, Dindigul District. He has prayed for removal of alleged unauthorized construction.

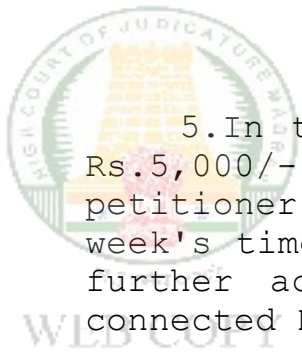
2.Today, when the matter came up for hearing, the learned Government Advocate appearing for respondents 1 to 4 submitted that the petitioner has enmity with the 5th respondent and the petitioner has also involved in the following 5 criminal cases:

Sl. No.	Crime No. on the file of Kodaikanal Police Station	Offences under Sections
1.	243 of 2015	294(b), 406, 420 and 506(i) I.P.C.
2.	505 of 2012	4(1)(a) of TNP Act.
3.	205 of 2013	147, 447, 448, 452, 294(b) and 506(ii) IPC
4.	199 of 2015	342, 420, 451, 467, 471 and 506(i) IPC
5.	53 of 2016	120-B, 485, 468, 294(b) and 506I(i) IPC

It is further stated that the petitioner also made an attempt to encroach upon the property in question and since he could not succeed, he has come up with this writ petition.

3.Learned Government Advocate has produced a letter from the Assistant Director (Panchayats), Dindigul in Na.Ka.No.2656/2016/A5 dated 20.10.2016, wherein he has informed the learned Government Advocate that the 5th respondent has made the construction of buildings in S.No.787, Vilpatti Village, Kodaikanal as per approved plan and he has not violated any terms and conditions. The same is recorded.

4.In view of the above, it is clear that the petitioner has involved in five criminal cases, including two cases of cheating, has come up with this writ petition not with any good motive but only with bad motive. Thus, the petitioner has wasted the time of this Court. Therefore, the Writ Petition deserves to be dismissed with heavy costs.



5. In the result, the Writ Petition is dismissed with cost of Rs.5,000/- (Rupees Five Thousand only) to be paid by the petitioner to the Hon'ble Chief Justice Relief Fund within a week's time, failing which, this Court will be constrained to take further action against the petitioner. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CRL)

/True Copy/

Sub Assistant Registrar

sj

To

1. The Director,

Directorate of Town and Country Planning,
O/o. Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai - 2.

2. The Deputy Director,

Directorate of Town and Country Planning,
O/o. Deputy Directorate of Town and Country Planning,
Madurai Zone, No.4, Hakkim Azmalkhan Road,
Chinna Chokkikulam, Madurai - 2.

3. The District Collector,

Collectorate, Dindigul.

4. The President/Executive Officer,

Vilpatty Revenue Village Panchayat,
Kodaikanal Taluk, Dindigul District.

COPY TO:

1 THE REGISTRAR(JUDICIAL)

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

2 THE SECTION OFFICER,

ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1cc to Mr.k.Anandan Advocate Sr.No. 64389

+1cc to Spl.Government Pleader Sr.No. 64966

JAM/11.11.16/GSV-PM/ 3P-9C