

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.10510 of 2017

and W.M.P.No.11402 of 2017

K.Chinnusamy

.. Petitioner

-vs-

1.Municipal Commissioner,
Tiruchengode Municipality,
Velur Road, Thiruchengode,
Namakkal District 637 211.

2.Revenue Divisional Officer,
Velur Road, Thiruchengode,
Namakkal District 637 211.

3.District Collector,
Namakkal, Tiruchengode Road,
Namakkal, Tamil Nadu 637 003.

4.Deputy Director of Town and Country
Planning, Salem Region,
6, Sannathi Street, Suramangalam,
Salem District 636 005.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to remove the unauthorised construction being put up in Tiruchengode Municipality Survey Ward D, Block 1, Town Survey 4.

For Petitioner : Mr.SP.Chockalingam

For Respondents : Mr.R.Vijayakumar,
Addl.G.P.

* * * * *

O R D E R
(Order of the Court was made by M.Sundar, J.)

This writ petition has been filed with a prayer to mandamus the respondents before us to remove alleged unauthorised construction that is being put up in Survey Ward D, Block 1, Town Survey 4, Tiruchengode Municipality, Namakkal District.

2.In the hearing, Mr.SP.Chockalingam, learned counsel appearing for the petitioner draws our attention to three Government Orders, namely, G.O.Ms.No.191, Municipal Administration and Water Supply Department, dated 18.07.1994, G.O.Ms.No.22, Municipal Administration and Water Supply Department, dated 30.01.1997 and G.O. Ms.No.289, Housing and Urban Development (UD 4-1) Department, dated 16.12.2010.

3.In sum and substance, drawing strength from the aforesaid G.Os., learned counsel for the petitioner submits that Tiruchengode is a heritage town and in a heritage town, there are certain restrictions in terms of civil constructions and there are restrictions also in terms of civil constructions qua a specified radius from the periphery of the outer wall of heritage temples.

4.On the above basis, learned counsel for the petitioner would submit that the construction of a church that is now allegedly being carried on in the above said Survey Ward D, Block 1, Town Survey 4, Tiruchengode Municipality, Namakkal District,violates the above said Government Orders.

5.It is the specific case of the petitioner that they have sent representations to various authorities. Our attention is drawn particularly to the representation dated 03.04.2017 sent to the District Collector, who is respondent no.3 before us. In the hearing, learned counsel abridges his prayer and submits that it will suffice if the third respondent / District Collector is directed to dispose off his aforesaid representation within a time frame to be fixed by this Court.

6.Mr.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of all the four respondents, submits that the above said representation would be disposed off in accordance with law by the third respondent / District Collector, if so directed by this Court. We take this submission on record.

7.It is also necessary for us to record the fact that with regard to the above said representation dated 03.04.2017, no acknowledgment from the District Collector has been placed before us. Learned counsel for the petitioner would only submit that he has stated in the sworn affidavit that it has been sent.

8. Therefore, we direct the third respondent / District Collector to dispose off the representation dated 03.04.2017 of the petitioner (found at page 35A of the typed set of papers), if received by him by now, in accordance with law, after affording an opportunity to all concerned, as expeditiously as possible and in any event, within a fortnight from the date of receipt of a copy of this order.

9. This writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.11402 of 2017 is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Municipal Commissioner,
Tiruchengode Municipality,
Velur Road, Thiruchengode,
Namakkal District 637 211.
2. The Revenue Divisional Officer,
Velur Road, Thiruchengode,
Namakkal District 637 211.
3. The District Collector,
Namakkal, Tiruchengode Road,
Namakkal, Tamil Nadu 637 003.
4. The Deputy Director of Town and Country
Planning, Salem Region,
6, Sannathi Street, Suramangalam,
Salem District 636 005.

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krd 28/4

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