

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.28268/2017

K.Rajeswari

...

Petitioner

VS

1 The District Collector
Krishnagiri, Krishnagiri District.

2 The Executive Officer
Selection Grade Town Panchayat
Bargur, Krishnagiri District.

3 E.K.Sanjeevan

4 Chinnaraj

...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to take appropriate legal action against the 3rd and 4th respondents for their unauthorized and illegal construction in Survey No.668/A of Barugur Village adjoining the petitioner's property based on petitioner's representation dated 11.07.2017.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.M.Digvijay Pandian, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijay Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner would state that she along with her sister, viz., D.Sakunthala, filed OS.No.44/2002 on the file of the Court of the Subordinate Judge, Krishnagiri for partition and separate possession and for other consequential reliefs in respect of the landed properties in Bargur Village comprised in S.Nos.662/1, 663A/1B, 663B/2, 664 and 475/8 respectively, which includes a Well with 5HP electric motor and a preliminary decree was passed and thereafter, they filed IA.No.741/2003 to pass the final decree and the final decree application was also decreed on 21.11.2003, in and by which, the actual division of the said landed properties by metes and bounds took place. The grievance expressed by the petitioner is that the respondents 3 and 4 had started putting up a superstructure in S.No.668/A of Bargur Village without any authorisation or permission and in this regard, the petitioner has submitted a representation dated 11.07.2017 to the respondents 1 and 2 and acting on

the same, the 2nd respondent has sent a communication dated 24.07.2017 to the 4th respondent in Na.Ka.No.224/2017 [A1], calling upon the respondents 3 and 4 to produce the building plan approval along with the relevant documents within a period of three days, failing which, further action will be taken as per the Building Rules and thereafter, no further follow-up action has been taken and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner and Mr.M.Digvijay Pandian, learned Additional Government Pleader appearing for the respondents 1 and 2 and also perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to put the respondents 3 and 4 on notice and thereafter, take further follow-up action in accordance with the terms of his communication dated 24.07.2017 [cited supra] and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and

M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
AP

communicate the decision taken, to the petitioner as well as to the respondents 3 and 4 herein.

5 The writ petition stands disposed of with the above direction.

No costs.

(M.S.N.J.,) (N.S.S.J.,)
 06.11.2017

AP

To

1 The District Collector
 Krishnagiri, Krishnagiri District.

2 The Executive Officer
 Selection Grade Town Panchayat
 Bargur, Krishnagiri District.

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