

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:28.07.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE
W.P.No.19469/2017

D.Jayamani

.. Petitioner

Vs

- 1.The District Collector,
O/o.The District Collectorate
Salem.
- 2.The Assistant Director,
Town Panchayath,
Director of Town Panchayat
Salem Zone, Salem District,
Salem-5.
- 3.The Executive Officer
Kolathur Town Panchayat
Kolathur, Salem District.
- 4.Samiappan
- 5.Duraisamy
- 6.Usha Rani
- 7.Chinnappan
- 8.Rangasamy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 3rd respondent to demolish the unauthorised construction situated at Chinamettur Village at Salem District in SF.NO.202/1C to 202/1H having extent of 2.41 acre as per sections in 56 and 57 of the Tamil Nadu Town Planning Act, 1971, and accordance with law.

For Petitioner : Mr.C.Girish Babu
For RR 1 to 3 : Mr.P.Sanjay Gandhi, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The grievance expressed by the petitioner is that he and his son owns the land in Chinamettur in SF.No.202/1C to 202/1H and a suit for partition and separate possession in OS.No.203/2007 is also pending on the file of the Sub Court, Mettur and the interim order is also in operation restraining the defendants from alienating or creating encumbrance. It is the specific case of the petitioner that the private respondents, viz., the respondents 4 to 8, without any authorisation, had developed the lands belonging to the petitioner as an unapproved layouts and also started putting up construction without any authorisation and in this regard, several representations were submitted and acting on the same, the Assistant Director of Town Panchayats, Salem Zone, Office of the District Collectorate, Salem-1, vide communication dated 20.10.2016 in Na.Ka.No.4334/2015/Pe3, has directed the 3rd respondent to take appropriate action and inform the same to the petitioner with a copy marked to their office and in spite of it, the 3rd respondent is not taking any action and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Heard the submissions of the learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents 1 to 3.

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 in this writ petition, directs the 3rd respondent to act on the communication of the Assistant Director of Town Panchayats, Salem Zone, Office of the District Collectorate, Salem-1, vide communication dated 20.10.2016 in Na.Ka.No.4334/2015/Pe3 and after putting the respondents 4 to 8 on notice, shall pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and to the respondents 4 to 8 herein.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
O/o.The District Collectorate
Salem.

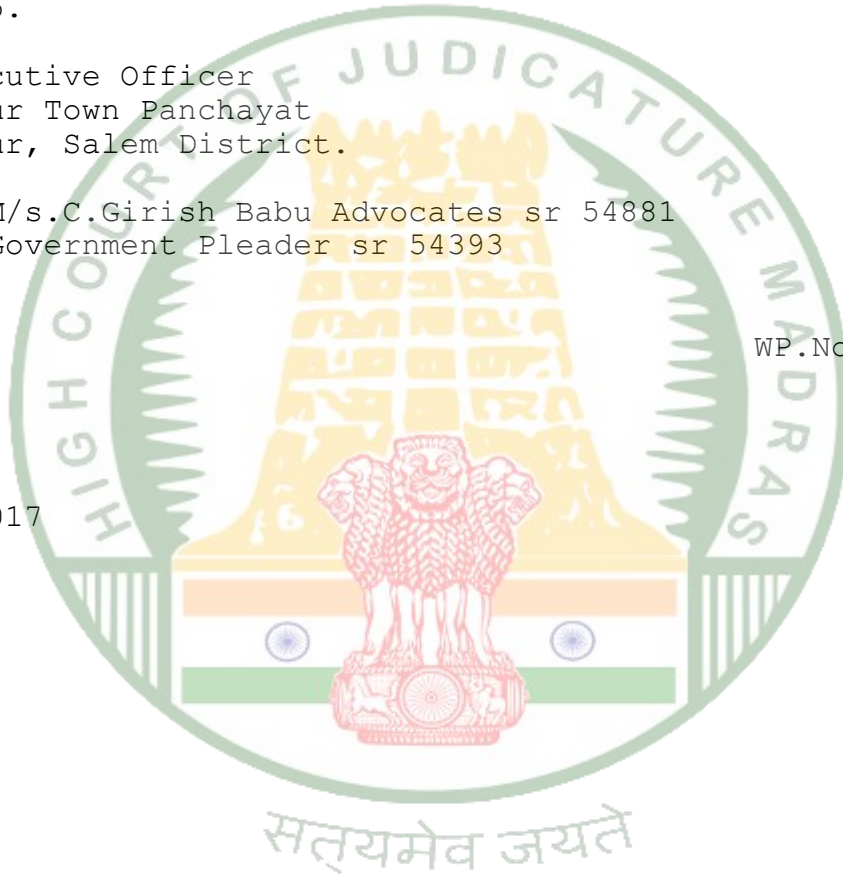
2.The Assistant Director,
Town Panchayath,
Director of Town Panchayat
Salem Zone, Salem District,
Salem-5.

3.The Executive Officer
Kolathur Town Panchayat
Kolathur, Salem District.

+1 cc to M/s.C.Girish Babu Advocates sr 54881
+1 cc to Government Pleader sr 54393

WP.No.19469/2017

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