



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.[MD].No.12997 of 2017

A.Anvardeen

: Petitioner

Vs.

1. The Deputy Director of Town & Country Planning,
Sivagangai Region, 430, Gandhi Road,
Sivagangai-630561.
2. The Regional Director of Municipal Administration,
294, Melakkal Main Road, Kochadai,
Madurai-625016.
3. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram-623 501.
4. M.Subbu Nadar
5. The Proprietor,
Hotel New Almajoo,
Manadayan Lane, Sikil Raja Street,
Ramanathapuram.

: 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 3 to take necessary action to remove the unauthorized constructions and encroachments put by the respondents 4 and 5 and others in the public road which connects Sikil Raja Street and Mandayan Lane at Ramanathapuram within the time frame fixed by this Court and also to ensure the public pathway is free for access.

For Petitioner : Mr.AL.Kannan
For Respondents : Mr.M.Govindan
Special Government Pleader
for R1 & 2
Mr.A.Kannan for R3
Mr.C.Vakeeswaran for R4

**O R D E R****[Order of the Court was made by K.K.SASIDHARAN, J.]**

The petitioner filed this writ petition to direct the third respondent to take appropriate action against the respondents 4 and 5 on account of their act of putting up unauthorized construction at a public road, which connects Sikil Raja Street and Mandayan Lane at Ramanathapuram.

2.The documents available of on record indicate that unauthorized construction was put up by the fifth respondent. The local body appears to have issued notice to the fifth respondent.

3.We direct the Commissioner, Ramanathapuram Municipality to issue notice to the respondents 4 and 5 and take appropriate action for unauthorized construction. The respondents 4 and 5 should be called upon to produce the approved plan. In case, it is made out that they have constructed the superstructure without planning permission, immediate action should be taken in accordance with law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Director of Town & Country Planning,
Sivagangai Region, 430, Gandhi Road,
Sivagangai-630561.
2. The Regional Director of Municipal Administration,
294, Melakkal Main Road, Kochadai, Madurai-625016.
3. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram-623 501.

- + 1 CC TO Mr.AL.KANNAN, ADVOCATE IN SR No. 71228
- + 1 CC TO Mr.C.VAKEESWARAN, ADVOCATE IN SR No. 70705
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70986
- + 1 CC TO Mr.A.KANNAN, ADVOCATE IN SR No. 70520

SSL/RMK

TE/JC/SAR-I : 31/08/2017 : 2P/8C
<https://hcservices.ecourts.gov.in/hcservices/>Order made in
W.P. [MD].No.12997 of 2017
04.08.2017