



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7846 of 2017

Thamilnesan : Petitioner
Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Commissioner,
Thanjavur Corporation,
Thanjavur.
3. The Proprietor,
Punniyamoorthy Departmental Store,
Ward No.5, Block No.8
Market Road, Thanjavur.
4. The Proprietor,
Lucky Silks,
Ward No.5, Block No.8,
Market Road, Thanjavur.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to remove the unauthorized construction constructed by the third and fourth respondents buildings namely, Punniyamoorthy Pillai Department Store, Lucky Silks situated at Ward No.5, Block No.8, Market Road, Thanjavur, by considering the petitioner's representation dated 19.12.2016.

For Petitioner : No Appearance

For R1 & R2 : Mr.T.S.Mohamad Mohideen,
Additional Government Pleader

For R3 & R4 : No Appearance

**O R D E R**

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

WEB COPY The petitioner filed this Writ Petition to direct the first and second respondents to remove the unauthorized construction put up by the third and fourth respondents in the property situated at Ward No.5, Block No.8, Market Road, Thanjavur.

2. None appears on behalf of the petitioner. There is no appearance on behalf of the respondents 3 and 4 also. We have heard the learned Additional Government Pleader appearing on behalf of the respondents 1 and 2.

3. We direct the Commissioner, Thanjavur Corporation, Thanjavur, to inspect the construction in question, after issuing notice to the respondents 3 and 4 and decide as to whether there was any act of encroachment. In case the building was constructed without obtaining planning permission or construction was made in deviation of the sanctioned plan, necessarily, follow-up action should be taken in accordance with the Tamil Nadu Town and Country Planning Act. Such exercise shall be completed, within a period of two months 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-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Commissioner,
Thanjavur Corporation,
Thanjavur.

+1cc to Mr.S.Muniyandi, Advocate in SR.No.66817

+1cc to The Special Government Pleader in SR.No.67318

akv/tsg/SML

AE/KP/SAR1/01.09.2017/2P/5C