

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 17.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P(MD)No.9078 of 2017

S.Murugan

.... Petitioner

vs.

1)The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2)The Director,
Town and Country Planning Department,
807, Anna Salai,
Chennai-600 002.

3)The Member Secretary-cum-Regional Deputy Director,
Pudukottai Combined Town & Country Planning Authority,
Sivagangai Region,
430, Gandhi Veedhi,
Sivagangai-630 561.

4)The Commissioner,
Municipal Office,
South Main Street,
Pudukkottai-622 001.

5)Mr.A.Marimuthu

.... Respondents

Petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Mandamus, directing the third respondent
to demolish the unauthorised structure located at Town Survey
No.2429, Door No.2382, West Raja Veethi, Pudukottai-622 001.

For Petitioner

: Mr.Durai Gunasekaran

For R1 to R4

: Mr.T.R.Janarthanam

**ORDER**

(Order of the Court was made by **M.V.MURALIDARAN, J.**)

WEB COPY

Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice to the respondents 1 to 4. By consent of both parties, the writ petition itself is taken up for final disposal at the stage of admission.

2.The petitioner has brought this pro bono publico seeking to direct the 3rd respondent to demolish the unauthorised structure located at Town Survey No.2429, Door No.2382, West Raja Veethi, Pudukottai-622 001.

3.According to the petitioner, the 5th respondent put up unauthorised construction by constructing additional floors deviating the approved plan. Pursuant to the complaint, the 3rd respondent issued notices to the 5th respondent to explain about the alleged unauthorised construction and also informed that unauthorised structures will be demolished. The 5th respondent filed appeal before the 1st respondent under Section 80(A) of the Tamil Nadu Town and Country Planning Act. In the meanwhile, the 5th respondent filed W.P(MD)No.19863 of 2016 and on the undertaking of the petitioner that he would remove the superstructure put up as the third floor either permanent or temporary on or before 14.11.2016, this Court by order dated 02.11.2016 had granted interim order. However, the petitioner did not remove the superstructure as undertook by him, but sought permission of this Court to withdraw the said writ petition. This Court by order dated 15.11.2016 dismissed the above writ petition as withdrawn with cost of Rs.1,00,000/-. Thereafter, the 3rd respondent also withdrew the appeal on 21.12.2016. Hence, this writ petition.

4.It is the grievance of the petitioner that despite the order passed in W.P(MD)No.19863 of 2016, the 5th respondent has not removed the superstructure put up by him.

5.When the writ petition was taken up for hearing, learned counsel for the petitioner submitted that it is suffice if a direction is issued to the respondents to consider the representations of the petitioner dated 20.02.2017 and 08.05.2017 respectively, and pass orders within a time frame to be fixed by this Court.

6.In view of the limited relief sought for, the respondents are directed to consider the representations of the petitioner dated 20.02.2017 and 08.05.2017 respectively, and pass orders after affording opportunity of personal hearing to the petitioner



and the parties likely to be affected, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

- 1) The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2) The Director,
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- 3) The Member Secretary-cum-Regional Deputy Director,
Pudukottai Combined Town & Country Planning Authority,
Sivagangai Region,
430, Gandhi Veedhi,
Sivagangai-630 561.
- 4) The Commissioner,
Municipal Office,
South Main Street,
Pudukkottai-622 001.

+1cc to Special Government Pleader, SR.No.56747.
+2cc to M/S. DURAI GUNAKEKARAN, Advocate, SR.No.56573.

W.P (MD) No.9078 of 2017
17.05.2017

SDS/JC/SAR 1/25.05.2017/3P/8C