



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P(MD) No.23850 of 2016

D.Raju

... Petitioner

-vs-

1.The Director,
Office of the Director of Town and Country
Planning, 807, Anna Salai,
Chennai - 600 002.

2.The District Collector,
Office of the District Collector,
Ramanathapuram District.

3.The Deputy Director,
Town and Country Planning,
Sivagangai Region,
No.430, Gandhi Veethi,
Sivagangai - 630 561.

4.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

5.Mr.Deva Irakkam,
Treasurer, Church of South India,
Madurai Ramanathapuram Diocese,
East Veli Street, Madurai.
(Cause title amended vide order
dated 04.01.2017)

6.The Correspondent,
Schwartz Higher Secondary School,
Ramanathapuram.

... Respondents

(Cause title regarding R5 connected vide

[https://hcservices.ecourts.gov.in/hcservices/order-dated-4-1-2017-in-WMP\(MD\)No.79/2017](https://hcservices.ecourts.gov.in/hcservices/order-dated-4-1-2017-in-WMP(MD)No.79/2017))



Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to initiate necessary action to demolish the unauthorized construction made within the 6th respondent school campus by considering the petitioner's representation dated 05.11.2016 in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.S.Malaikani
For RR - 1 to 3	: Mr.Aayiram K.Selvakumar Government Advocate
For R - 4	: Mr.A.Kannan
For R - 5	: Mr.S.Veluchamy
For R - 6	: Mr.N.Anantha Padmanabhan

O R D E R

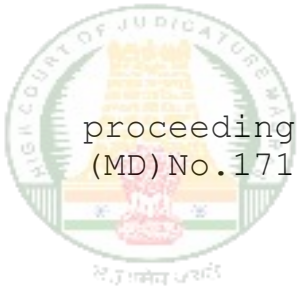
[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to initiate necessary action to demolish the unauthorised construction put up by the sixth respondent in the school mentioned in the petition by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has very often reiterated the averments made in the petition. But the learned counsel appearing for the sixth respondent has contended that the petitioner has not filed the present Writ Petition as Public Interest Litigation. Further the learned Government Advocate appearing for the respondents 1 to 3 has represented that with regard to unauthorised construction, already proceedings have been initiated.

3.Considering the fact that the sixth respondent has put up the alleged unauthorised construction within the precincts of school and also considering the fact that the matter is between the sixth respondent and Town and Country Planning Authority, this Court is of the view that the petitioner has frivolously filed the present Writ Petition and therefore, the relief sought in the petition cannot be granted.

4.In fine, this Writ Petition is dismissed without cost. However, on the basis of the representation made on the side of the petitioner, the third respondent is directed to follow the



proceedings alleged to have been taken earlier. Consequently, WMP (MD) No.17189 of 2016 is closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar/

To

1.The Director,
Office of the Director of Town and Country
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Chennai - 600 002.

2.The District Collector,
Office of the District Collector,
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3.The Deputy Director,
Town and Country Planning,
Sivagangai Region,
No.430, Gandhi Veethi,
Sivagangai - 630 561.

4.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

+1 cc to Mr.N.Ananthapadmanaban , Advocate in SR.No. 50175

+1 cc to Mr.S.Malaikani , Advocate in SR.No.50085

+1 cc to Mr.A.Kannan , Advocate in SR.No.50432

+1 cc to Special Government Pleader in SR.No.50667

mj

AE/KP/SAR 2/13.04.2017/3p/9c

W.P (MD) No.23850 of 2016

05.04.2017