



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P(MD) No.24532 of 2016

and

WMP(MD) No.17690 of 2016

S.Vijayalakshmi

... Petitioner

-vs-

1. The District Collector cum the Chairman
Local Planning Authority,
Virudhunagar District,
Virudhunagar.

2. The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi,
Virudhunagar.

3. A.T.Murugesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents No.1 and 2 to demolish the unauthorized commercial building constructed by the 3rd respondent in D.No.90, M to Q Gnanagiri Road, Sivakasi, Virudhunagar District within the stipulated period as fixed by this Court based on the petitioner's representation dated 04.10.2016.

For Petitioner: Mr.S.M.Ananthamurugan

For R - 1 : Mr.K.Guru
Additional Government Pleader

For R - 2 : Mr.N.Dilipkumar

For R - 3 : Mr.M.Solaisamy.

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 and 2 to demolish the unauthorized commercial building constructed by the third respondent in D.No.90, M to Q, Gnanagiri Road, Sivakasi, Virudhunagar District by way of issuing a Writ of Mandamus.



2.The main contention put forth on the side of the petitioner is that the third respondent has put up unauthorized construction in the place mentioned in the petition and the second respondent has also stated to the effect that necessary permission has not been given to the third respondent. Further it is seen from the records that the petitioner has given a representation on 04.10.2016 and the same has not at all been considered.

3.Considering the aforesaid factual circumstances and also considering that a representation has already been sent to the respondents 1 and 2, this Court is inclined to pass the following order.

4.In fine, this Writ Petition is allowed in part without cost. The second respondent is strictly directed to look into the representation dated 04.10.2016 alleged to have been given by the petitioner and dispose of the same after giving proper opportunity to the petitioner as well as third respondent within a period of one month. Consequently, connected WMP(MD)No.17690 of 2016 is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The District Collector cum the Chairman
Local Planning Authority,
Virudhunagar District,
Virudhunagar.

+2cc to M/S. S.M.ANANTHA MURUGAN, Advocate, SR.No.60471.
+1cc to M/S. M.SOLAISAMY, Advocate, SR.No.60859
+1cc to M/S. N.DILIPKUMAR, Advocate, SR.No.60401.
+1cc to Special Government Pleader, SR.No.60572.

W.P (MD) No.24532 of 2016
15.06.2017

mj

SDS/SV:MMS/SAR 4/22.06.2017/2P/7C