



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3206 of 2016

R.Balakrishnan

... Petitioner

Vs.

1.The Municipal Commissioner/
Executive Officer, Town & Country Planning,
Aruppukottai Municipality,
Pandalgudi Road,
Aruppukottai - 626 101.

2.S.Seenivasagan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent herein to take immediate necessary action against the 2nd respondent consequent to the notices issued under Sections 216 (1), (2), (3) of the Tamil Nadu District Municipalities Act as seen from the communication from the 1st respondent dated 14.05.2015 and 25.06.2015 and to remove/demolish the unauthorised construction in Town S.No.88/3, Plot No.82, 4th Street, 4th Cross Street, Aruppukottai Town and further direct the 1st respondent to take the immediate action against the officials as directed by the order of State Commissioner under RTI Act, dated 11.06.2014 in Case Nos.12648 and 53110/Enquiry/D2013.

For Petitioner

: Mr.S.Natarajan

For R1

: Mr.N.Dilipkumar

For R2

: Mr.D.Shanmugaraja Sethupathi

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed for directing the Municipal Commissioner, Aruppukottai Municipality, to take action for demolishing the unauthorized construction put up by the second respondent herein in Town S.No.88/3, Plot No.82, 4th Street, 4th Cross Street, Aruppukottai Town.



2. The learned Counsel appearing for the first respondent Municipality would contend that they had already issued notice against the second respondent and they had also locked and sealed the building. The learned Counsel for the second respondent would plead that there are certain civil disputes pending between the writ petitioner and the vendor of the second respondent. The second respondent is only a subsequent purchaser. He had only made certain improvement to the existing building. In order to wreck vengeance on his vendor, the writ petitioner has been vexing and harassing the second respondent, by sending complaints to the authorities.

3. Be that as it may, the fact remains that the construction made by the second respondent herein or the building purchased by him is in violation of the provisions of Town and Country Planning Act. Therefore, the first respondent rightly initiated action under the provisions of Tamil Nadu District Municipalities Act and also Tamil Nadu Town and Country Planning Act, 1971. It is open to the second respondent to question the said proceedings in the manner known to law. The rights of the second respondent are not foreclosed. It is for him to work out his rights and remedies in the manner known to law. Since the first respondent has already sealed the building, no further orders are necessary in this writ petition. It is for the first respondent to take follow up action.

4. With the above observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

The Municipal Commissioner/
Executive Officer, Town & Country Planning,
Aruppukottai Municipality,
Pandalgudi Road, Aruppukottai - 626 101.

+1cc to M/S.S.NATARAJAN, Advocate SR.No.73001
+1cc to M/S.D.SHANMUGARAJA SETHUPATHI, Advocate SR.No.72814
+1cc to M/S.N.DILIP KUMAR, Advocate SR.No.73090

ls/gk
MAS/JC/SAR2:09.11.2017:2P-5C

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