

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.8906/2018 & WMP.Nos.10761 & 10762/2018

G.Ramaiya

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Petitioner

Versus

The Government of Tamil Nadu rep.by its

1.The District Collector

O/o.The Collectorate Office
Cuddalore District.

2.The Block Development Officer

Block Development Office
Mangalore Village and Post,
Veppur Taluk, Cuddalore District.

3.The Revenue Tahsildar

Tahsildar Office, Veppur Taluk
Cuddalore District.

4.The Assistant Executive Engineer

Tamil Nadu Generation & Distribution
Corporation Private Ltd, Virudhachalam
Division, Cuddalore District.

5.Chinnasamy

6.Aariyamala

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Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to take appropriate action including demolition of the illegal construction which is carried out by respondents 5 and 6 at Door No.952/6, Kurinji Nagar, Siruppakkm, village, Veppur Taluk, Cuddalore District-606108 and precincts thereof pursuant to the petitioner's representation dated 06.04.2018.

For Petitioner : Mr.V.Govardhanan

For R1 to R3 : Mrs.M.Lalitha, GA

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mrs.M.Lalitha, learned Government Advocate accepts notice on behalf of the respondents 1 to 3.

2 Though the writ petition is styled as Public Interest Litigation, in the considered opinion of the Court, it is only a Private Interest Litigation.

3 The petitioner, in the affidavit filed in support of this writ petition, would aver among other things that he purchased a plot comprised in S.No.326/1D, Sirupakkam Village, Veppur Taluk, Cuddalore District through a registered Sale Deed bearing the Doc.No.513/2007 dated 30.04.2007, registered on the file of the Sub Registrar, Sirupakkam and claims to be in possession and enjoyment of the same and after obtaining the planning permission, also put up a superstructure strictly in accordance with the sanction/permission. The grievance now expressed by the petitioner is that the respondents 5 and 6, who are the adjacent plot owners, without obtaining necessary planning permission, had demolished the exiting structure in Door No.952/6, Kurinji Nagar, Sirupakkam Village, Veppur Taluk, Cuddalore District and started putting up a palatial construction. The petitioner, in this regard has submitted a representation dated 06.04.2018 and despite receipt and acknowledgment, no action has been taken so far to abate the said nuisance and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner and Mrs.M.Lalitha, learned Government Advocate appearing for the respondents 1 to 3 and perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondents 2 and 3 to put the petitioner as well as respondents 5 and 6 on notice and thereafter, carry out inspection of the alleged construction activity going on in Door No.952/6, Kurinji Nagar, Sirupakkam Village, Veppur Taluk,

Cuddalore District within a period of six weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law within a further period of twelve weeks thereafter and communicate the decision taken to the petitioner as well as to the respondents 5 and 6 herein.

5 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
O/o.The Collectorate Office
Cuddalore District.
- 2.The Block Development Officer
Block Development Office
Mangalore Village and Post,
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Tamil Nadu Generation & Distribution
Corporation Private Ltd, Virudhachalam
Division, Cuddalore District.

+1cc to Mr.V.Govardhanan, Advocate SR.No.27020
+1cc to Government Pleader SR.No.28071

WP.No.8906/2018

KJ (CO)
GN (28/04/2018)