

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

WP.No.11381/2018 & WMP.Nos.13283 and 13379/2018

- 1.Smt.Rani
- 2.Smt.M.Jamuna
- 3.Smt.Vasanthi
- 4.Smt.M.Gita

... Petitioners

Versus

- 1.The District Collector
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Revenue Divisional Officer
Revenue Divisional Office, Anna Salai
Thiruvannamalai.
- 3.The Tahsildar
Taluk Office, Polur,
Tiruvannamalai District.
- 4.The Executive Officer
Town Panchayat, Polur
Tiruvannamalai District.
- 5.The Deputy Director
Local Planning Authority
Sathuvachari, Vellore.
- 6.The District Fire Officer
Fire Station
Tiruvannamalai.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to take necessary action in accordance with law against unauthorised construction of Ramesh Marriage Hall and Ramesh Mini Marriage Hall at Survey No.264/1B bearing Door

No.13/D and 33, Kamatchi Amman Koil Street, Polur, Tiruvannamalai District.

For Petitioners : Mr.A.K.Rajaraman
For Respondents : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioners claim that they are the daughters of one Mr.C.Nataraja Chettiyar and Malliga and apart from them, there is one more daughter and son born to their parents. It is further averred that their brother, viz., Mr.Ramesh, has passed away at an early age and so also their father on 30.04.2013.

3 It is the claim of the petitioners that since their father died intestate, a Registered Partition Deed bearing Doc.No.1390/2013 dated 17.05.2013, came into being between them and one of the properties is the superstructure in the name and style "Ramesh Marriage Hall" at Survey No.264/1B bearing Door No.13/D, Kamatchi Amman Koil Street, Polur and "Ramesh Mini Marriage Hall" at S.No.264/1B bearing Door No.33, located in the very same street.

4 The grievance expressed by the petitioners is that the said Marriage Halls have been constructed unauthorisedly without adhering to the basic safety norms and in the event of mishap, being the co-owners, they may be liable to face some prosecution and other proceedings and in this regard, representations have also been submitted to the concerned authorities. It is further stated by the petitioners that suits in OS.Nos.70 and 71 of 2014 are also pending on the file of the Court of Subordinate Judge, Polur, for partition and with regard to right of the other co-owners through the Will and despite pendency of the suits without any interim orders, no action has been taken by the concerned authorities.

5 The learned counsel for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that admittedly, the Marriage Halls have been constructed unauthorisedly and the 4th respondent, in his communication dated 01.12.2016 in Na.Ka.No.447/2016/A1, has also taken note of the said fact and informed the petitioners about the steps taken to lock and seal the premises through the office of the 3rd respondent and despite that, no further action has been taken solely on account of the pendency of the suits in OS.Nos.70 and

71 of 2014 pending on the file of the Court of the Subordinate Judge, Polur and therefore, prays for appropriate direction, directing the concerned official respondents to take action with regard to the unauthorised superstructures existing in the form of Marriage Halls.

6 Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents would submit that the present dispute arises on account of the inter se civil dispute between the petitioners and their sister and action will be taken in accordance with law.

7 This Court has considered the rival submissions and also perused the materials placed before it.

8 The fact remains that the said Marriage Halls are also shown as one of the properties in the registered Partition Deed dated 17.05.2013 entered into between the petitioners and one Shanthi. According to them, they became aware of the unauthorised constructions of the said Marriage Halls only during the year 2016 and immediately, they had submitted a representation. This Court also took note of the fact about the pendency of the suits in OS.Nos.70 and 71 of 2014 on the file of the Court of the Subordinate Judge, Polur and however, on a perusal of the materials placed, it is seen that the copies of the complaints of the said suits have not been filed and there are no interim orders in operation in the pending suits and that apart, the concerned private respondent has also not been arrayed as a party to the present writ petition.

9 If the petitioners are really aggrieved by the fact that no further action has been taken by the concerned respondent, they are always at liberty to invoke the provisions of the Right to Information Act, 2005, to know the fate of their representations.

10 In the result, the writ petition stands dismissed granting liberty to the petitioners herein to invoke the provisions of the Right to Information Act, 2005, and work out their remedy. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

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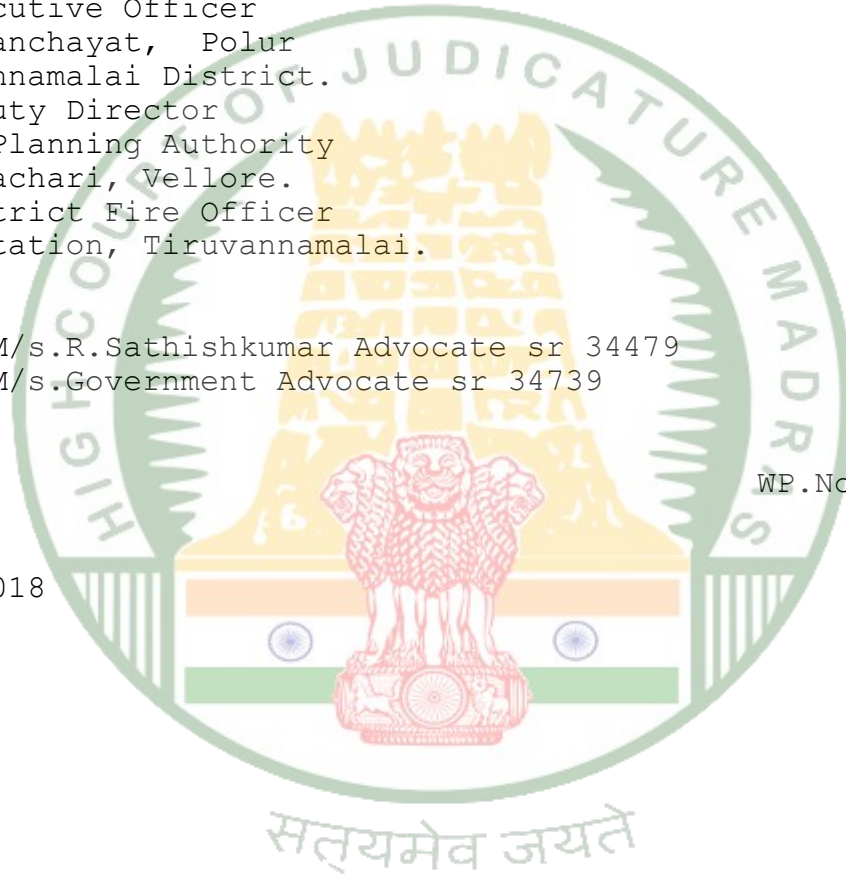
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+1 cc to M/s.R.Sathishkumar Advocate sr 34479

+1 cc to M/s.Government Advocate sr 34739

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