IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:02.07.2018
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE
W.P.No.16178/2018

Ravi .. Petitioner

Vs

1 The District Collector
Dharmapuri District
Dharmapuri.

2 The Director
Town and Country Planning
Department, No.802, Anna Salai
Chennai 600 002.

3 The Assistant Director
Town and Country Planning
Department, Appavoo Nagar
Dharmapuri.

4 The Assistant Director
Rural Development Department
[Panchayats], District Collector's Office
Dharmapuri.

5 The Divisional Engineer
Highways Department
Dharmapuri District.

6 The Tahsildar
Harur Tahsildar Office
Harur, Dharmapuri District.

7 The Block Development Officer
Harur Division, Harur,
Dharmapuri District.

8 The Secretary
H.Thottampatti Panchayat
Harur Taluk, Dharmapuri District.

9 Venkataraman
10 Rajam
11 Silambarasan .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, directing the official respondents 1 to 8 to

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consider the petitioner's representation dated 25.05.2018 and to initiate action to remove the unauthorised construction [Kalyana Mandapam] / Marriage Hall] put up by the respondents 9 to 11 in their property in S.No.3/1A1D2, patta No.191, of Pachinampatti Village, H.Thottampatti Village Panchayat within time frame to be stipulated by this Court.

For Petitioner : Mr.S.Kaithaimalai Kumaran
For R-1 to R-8 : 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 1 to 8.

2 The petitioner claims that he purchased a vacant land admeasuring to an extent of 1897 sq.ft., in S.No.3/5 of Pachinampatti Village, Harur Taluk, Dharmapuri District through a registered Sale Deed dated 05.01.2011. It is further averred by the petitioner that apart from him, more than ten families had also put up residential houses in the said area and the respondents 9 to 11 who own lands in S.NO.3/1A1D2 bearing Patta No.191, are owning 12029.5 sq.ft. of land and they are unauthorisedly putting up a Marriage Hall very adjacent to the main road and if construction is allowed to go on, it may create traffic and other problems. The petitioner also invoked the benevolent provisions of the Right to Information Act, 2005 and obtained information from the Public Information Officer, Deputy Block Development Officer [Town Panchayat], Harur, and as per the information, the private respondents have not got any permission and however, proceeding with the construction.

3 The learned counsel for the petitioner would submit that the petitioner in this regard, the petitioner has also submitted a representation dated 25.05.2018 to the 1st respondent with copies marked to the respondents 3 and 7 and in spite of receipt and acknowledgment, no action has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4 The Court heard the submission of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 8 and also perused the materials placed before it.

5 This Court, taking into consideration, 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 7th respondent to cause inspection of the petitioner's land and the superstructure if any in S.No.3/5 as well as the lands of

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the respondents 9 to 11 in S.No.3/1A1D2-Patta No.191, of Pachinampatti Village, 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 in the event of any encroachment or unauthorised construction being noted and the said exercise is to be carried out within a further period of eight weeks thereafter and the decision taken in that regard, shall be communicated to the petitioner, respondents 9 to 11 and other concerned person/s, if any.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1 The District Collector
Dharmapuri District
Dharmapuri.

2 The Director
Town and Country Planning
Department, No.802, Anna Salai
Chennai 600 002.

3 The Assistant Director
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7 The Block Development Officer
Harur Division, Harur,
Dharmapuri District.

8 The Secretary
H.Thottampatti Panchayat
Harur Taluk, Dharmapuri District.

+1cc to Mr.A.K.Kumarasamy, Advocate Sr.No.42090
+1cc to Government Pleader sR.No.42786

KS(CO)
sm:19.7.2018

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