



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.4988 of 2018  
and  
W.M.P. (MD) No.4977 of 2018

R.R.Premkumar

... Petitioner

-vs-

1. The District Collector,  
Pudukottai District,  
Pudukottai.
2. The Tahsildar,  
Aranthangi Taluk,  
Pudukottai District.
3. The Commissioner,  
Aranthangi Municipality,  
Pudukottai District.
4. V.K.Subburam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to remove/demolish the unauthorised construction made by the 4<sup>th</sup> respondent in Kaliyamman Temple's property comprised in Survey No.12/5 at Aranthangi Town, Pudukottai District as per section 216 of the Tamil Nadu District Municipalities Act, 1920.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.D.Muruganandam, AGP for RR1&2  
Mr.P.Mahendran, for R3

**O R D E R**

**(Order of the Court was made by T.S.SIVAGNANAM, J.)**

Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mr.D.Muruganandam, learned Additional Government Pleader for the respondents 1 and 2 and Mr.P.Mahendran, learned counsel for the third respondent.



2.The petitioner claims to be an executive member of Sourashtra Saba Samuga Uravinargal Sangam, whose members are stated to reside in and around Aranthangi. It appears that the fourth respondent also is a resident of the same area. The petitioner claims that the fourth respondent has encroached into the land allotted to the Sangam and has also managed to obtain patta. In this regard, the petitioner and their members are moving the revenue authorities for cancellation of patta.

3.The learned counsel for the petitioner states that the petitioner is not canvassing the title to the property in this writ petition. But, their only grievance is that the fourth respondent has constructed a marriage hall and lodge in the said land without obtaining any planning permission. If such allegation is correct, then the authorities have to take necessary action.

4.The learned counsel for the petitioner has drawn the attention of this Court to a reply received by him under the Right To Information Act dated 19.01.2018 given by the third respondent and submitted that in reply to question No.4, the third respondent has stated that the fourth respondent has put up construction without obtaining building plan and notice under the provisions of Tamil Nadu District Municipalities Act to stop work has been issued. If such is the situation, the third respondent should take appropriate action.

5.The learned counsel for the third respondent, on instructions, submitted that the fourth respondent has applied for regularisation of the building. It is doubtful as to whether the third respondent can exercise such a power to regularise an unauthorised construction, when it appears that he has not obtained a building plan approval.

6.However, from the typed set of papers, we find that there is building license granted to the fourth respondent dated 10.11.2017. The allegation is that such license was obtained to run the marriage hall and lodge by showing a building plan. This issue cannot be adjudicated in a writ petition. Therefore, without expressing any opinion on the merits of the matter, we direct the third respondent to look into the grievances expressed by the petitioner in his representation, issue notice to the fourth respondent and an inspection to be conducted on the site and proceed further in accordance with law. The above direction be complied within a period of four weeks from the date of receipt of a copy of this order. As we have not issued any positive direction, notice to the fourth respondent has been dispensed



7. With the above direction, this writ petition is disposed of.  
No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Pudukottai District,  
Pudukottai.
2. The Tahsildar,  
Aranthangi Taluk,  
Pudukottai District.
3. The Commissioner,  
Aranthangi Municipality,  
Pudukottai District.

+ 1 cc TO Mr.P.Mahendran , Advocate in SR No. 53939  
+ 1 cc TO Mr.T.Lenin Kumar , Advocate in SR No. 53826  
+ 1 cc TO The Special Government Pleader in SR No. 54190

Arul  
AE/SKN RSK/SAR4/16.03.2018/3P/7C

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