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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14..03.2018

CORAM:

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

W.P.(MD) No.5347 of 2018
and
W.M.P.(MD) No.5284 of 2018

M.Chandra ... Petitioner

-vs-

1. The Commissioner of Municipal Administration
   and Water Supply Department,
   Ezhilagam, 6th Floor,
   Annex Building, P.W.D.Estate, Chepauk,
   Triplicane, Chennai - 600 005.

2. The District Collector,
   Sivagangai, Sivagangai District.

3. The Commissioner,
   Devakottai Municipality, Devakottai.

4. The Tahsildar,
   Devakottai Taluk Office,
   Devakottai, Sivagangai District.

5. The Inspector of Police,
   Town Police Station,
   Devakottai.

6.Manikandan
7.Mathialagan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 5 herein to take appropriate action against the respondents 6 and 7 herein for their unauthorised construction without obtaining prior approval from the 3rd respondent for demolition and reconstruction with necessary plan approval and based on the petitioner's representation dated 11.03.2017 respectively within stipulated time as directed by this Court.

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For Petitioner : Mr.A.Saravanan

For Respondents : Mr.Imran, standing counsel for R1
Mr.M.Pandiarajan, AGP for RR2 to 5

O R D E R

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

Heard Mr.A.Saravanan, learned counsel appearing for the petitioner and Mr.Imran, learned standing counsel appearing for the first respondent and Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the respondents 2 to 5. As we propose not to go into the merits of the matter, notice to the respondents 6 and 7 is dispensed with.

2.The petitioner is before this Court alleging that the respondents 6 and 7 are constructing on the petitioner's compound wall and blocking a common pathway. Earlier, there was an allegation against the mother of the respondents 6 and 7 viz., Tmt.Valliammal and the petitioner sought for police protection against the disturbance caused by her. Since the Town Police Station, Devakottai did not consider their request, they approached this Court, filed Crl.O.P.(MD) No.2767 of 2011 under Section 482 of the Code of Criminal Procedure, requesting for providing adequate police protection. The said petition was disposed of by order dated 03.03.2011, directing police protection to be given to the life and limb of the petitioners and his family members. It appears that the said Valliammal is no more and now the allegation is against her sons, the respondents 6 and 7.

3.The petitioner would state that without obtaining any building plan approval, construction is being put up. However, we find representation was given by the petitioner only on 11.03.2018 and hardly within three days, the petitioner has approached this Court by way of this writ petition without giving reasonable time to the authorities to act. The explanation offered by the learned counsel for the petitioner is that construction is taking place in full pace and soon the respondents 6 and 7 will complete the entire illegal construction.

4.Since there is an allegation of construction without obtaining building plan approval, the third respondent should look into the complaint. However, we do not express any opinion on the merits of the allegation made by the petitioner as against the respondents 6 and 7 and leave it open to the third respondent to take appropriate action in accordance with law.

5.Accordingly, we dispose of the writ petition by directing the third respondent to look into the petitioner's complaint dated 11.03.2018, direct one of his Officers to inspect the properties of the petitioner as well as the respondents 6 and 7 and after

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ascertaining the factual facts take action in accordance with law as expeditiously as possible.

6.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

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   Devakottai, Sivagangai District.

5. The Inspector of Police,
   Town Police Station,
   Devakottai.

+ 1 CC TO SPL.GOVERNMENT PLEADER SR.No.55644
+ 1 CC TO Mr.S.MUTHUKUMAR, ADVOCATE IN SR No. 55081

ARUL

VB/KKR/SAR1/21.03.2018/3P/8C

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