

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40627 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus, declaring the inaction of the 3rd respondent in considering the representation of the petitioner dated 29.09.2018, as illegal, arbitrary and violative of principles of natural justice.

2. A perusal of the representation of the petitioner dated 29.09.2018 shows that third parties have obtained permission from the municipal authorities and started construction of a house in the land belonging to the petitioner, for which the petitioner is seeking a direction from this court to the authorities to take action against them.

3. The learned Standing Counsel, Sri N.Praveen Kumar would contend that the municipal authorities will not enquire into the title while granting permission, and they will only take action if the building is constructed in violation of the approved plan.

4. Since the dispute is between the petitioner and third parties, the question of directing the authorities to consider the representation of the petitioner for taking action against the said persons, will not arise. Hence, giving liberty to the petitioner to avail the common law remedy, the present writ petition is disposed of. There shall be no order as to costs. Consequently,

miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12.11.2018
DMG

