

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.07.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.5232 of 2019

S.Murugan

.. Petitioner

Vs

- 1 The District Collector
Salem Collector Office
Salem - 636 601.
 - 2 The Sub Collector
Sub Collector Office
Mettur Dam
Salem -636 601.
 - 3 The Block Development Officer
Block Development Office
Kalyampatti Post
Kalayampatti Taluk
Salem District - 636 305.
 - 4 The Tahsildar
Taluk Office, Kalayampatti Post
Kalayampatti Taluk
Salem District - 636 305.
 - 5 The Panchayat Secretary
Kadayambatti Panchayat
Kalayampatti Post
Kalayampatti Taluk
Salem District - 636 305.
 - 6 A.Joseph
Founder of Jesus Mercy Home Association
Door No.156/1, RC Chettypatty
Omalur, Salem District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 5th respondent herein to remove the illegal and unauthorized construction made by the 6th respondent.

For Petitioner : Mr.R.Rajesh Vivekananthan

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1 to 5

Mr.K.Sathish Kumar
for 6th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard Mr.R.Rajesh Vivekananthan, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) for respondents 1 to 5 and Mr.K.Sathish Kumar, learned counsel for the sixth respondent.

2. It is the case of the petitioner that the sixth respondent has put up illegal and unauthorized construction at Survey No.73/8A, Vellalakottai (Kattur) area, Kanjanaickenpatti Village, Kadayampatti Taluk, Salem District. The petitioner has also preferred a representation dated 22.12.2018 to various authorities, including the third respondent, i.e., the Block Development Officer, Kadayampatti, for removal of the said illegal and unauthorized construction.

3. The learned counsel for the sixth respondent has stated that on 19.6.2019, they submitted an application to the third respondent for regularization of the said structure.

4. The learned Government Pleader (i/c.), who appears for respondents 1 to 5, including the third respondent, i.e., the Block Development Officer, Kadayampatti, states that indeed there is illegal and unauthorized construction put up by the sixth respondent and they will take action in relation to the same. He further submitted that the third respondent will consider the representation of the petitioner dated 22.12.2018 as well as the application of the sixth respondent dated 19.6.2019 and pass orders within a period of eight weeks. The said statement is recorded.

In view of the submission made by the learned Government Pleader (i/c.), no further orders need be passed in this writ petition. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The District Collector
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Kadayambatti Panchayat
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Salem District - 636 305.

+1cc to Mr.K.Sathish Kumar , Advocate SR.No. 62753
+1cc to Mr.R.Rajesh , Advocate SR.No. 62822
+1 cc to Government Pleader Sr.No. 63401

W.P.No.5232 of 2019

A.SK(13/08/2019)