

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.08.2019

CORAM

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

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.9038 of 2019

P.Kanakaraj

.. Petitioner

Vs

1 The District Collector
Office of the District Collectorate
Salem District.

2 The Thasildar
Omalur Taluk
Salem District.

3 The Block Development Officer
Omalur Village, Omalur Union Office
Omalur Taluk, Salem District.

4 The Assistant Engineer
Operating and Maintenance
Rural Division, TANGEDCO
Omalur Taluk, Salem District.

5 Manikumar

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to demolish the illegal construction in lands in S.F.No.114/1 of Kottamettupatti Village, Omalur Taluk, Salem District, as per Sections 56 and 57 of the Tamilnadu Town and Planning Act, 1971, who are illegal occupied and without approval and planning made by the 5th respondent herein.

For Petitioner : Mr.C.Girish Babu

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondents 1 to 3

No appearance
for respondents 4 and 5

ORDER

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

Heard Mr.C.Girish Babu, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for respondents 1 to 3.

2. The petitioner has prayed that directions be issued to the third respondent, i.e., the Block Development Officer, Omalur Village, to demolish the illegal construction in the lands in S.F.No.114/1 of Kottamettupatti Village, Omalur Taluk, Salem District, as envisaged under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. The case of the petitioner is that the fifth respondent has illegally occupied the above said land and has put up construction without obtaining any planning permission or approval.

3. The learned Government Advocate has filed a counter affidavit of the third respondent, i.e., the Block Development Officer, Omalur, wherein it is stated that the land in S.F.No.114/1 is Government poramboke land and is classified as "Tharisu". It is also stated that the said land belongs to the Government and there is no title and interest over the above said property to the fifth respondent or anyone else. The learned Government Advocate further stated that they will take action to remove the unauthorized construction and encroachment put up on the said piece of land by the fifth respondent or any other encroacher.

In view of the counter affidavit and the statement made by the learned Government Advocate, no further orders are necessary and this writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.9576 of 2019 is closed.

Sd/-
Assistant Registrar(co)

//True Copy//

सतुयमेव जयते
Sub Assistant Registrar

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To:

- 1 The District Collector
Office of the District Collectorate
Salem District.
- 2 The Thasildar
Omalur Taluk
Salem District.

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- 3 The Block Development Officer
Omalur Village, Omalur Union Office
Omalur Taluk, Salem District.
- 4 The Assistant Engineer
Operating and Maintenance
Rural Division, TANGEDCO
Omalur Taluk, Salem District.

+1cc to Mr.C.Girish , Advocate SR.No. 73087

+1 cc to Government Pleader Sr.No. 73458

W.P.No.9038 of 2019

A.SK(24/09/2019)



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