

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.10691 of 2019 and
W.M.P.Nos.11165 and 11168 of 2019 of 2018

Mohammed Shafi .. Petitioner
v.

1.The Director,
Town and Country Planning,
Anna Salai, Chennai 600 002.

2.The Assistant Director of Town
and Country Planning, Villupuram Region,
TADCO Building G.H.Road,
Villupuram 605 602.

3.The Commissioner
Villupuram Municipality
Villupuram.

4.A.Jahir Hussain .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, to call for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.6602/2017/F2 dated 09.03.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.Kamalesh Kannan
Govt. Advocate for RR1 and 2
: Mr.P.Srinivas
Standing Counsel for R-3

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari to call for the records in respect of the impugned order dated 09.03.2019 passed by the 3rd respondent and to quash the same.

2.It is the case of the petitioner that the impugned order dated 09.03.2019 was passed for demolishing the unauthorized construction put up in No.31, Aabesh Thakka Street, within the Villupuram municipal limits, without giving an opportunity of personal hearing to the petitioner.

3.On the earlier occasion, the fourth respondent herein, A.Jahir Hussain, has filed a Writ Petition in W.P.No.19100 of 2017 to issue a Writ of Mandamus, directing the Commissioner, Villupuram Municipality, to demolish the unauthorized construction in the Wakf Property at S.Nos.347/1, 340/1 to 28 and 536/1, Vandimedu, Villupuram Taluk, put up by respondents 4 to 6 therein. The present petitioner is the 6th respondent in the earlier Writ Petition. The Division Bench of this Court, by order dated 26.07.2017, directed the 3rd respondent-the Commissioner, Villupuram Municipality, to issue notice to the private respondents and thereafter take further action, in accordance with law, in the light of the communication dated 17.05.2017.

4.Pursuant to the order passed by the Division Bench of this Court, the 3rd respondent issued a notice dated 21.09.2017 under section 216 (1)(2) of the Tamil Nadu District Municipalities Act, 1920 and thereafter passed the impugned notice dated 09.03.2019.

5.When the petitioner has put up construction without any building permission from the 3rd respondent-Municipality, no indulgence can be shown to the petitioner. The order dated 09.03.2019 passed by the 3rd respondent is just and proper. We do not find any merit in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CCC)

//True Copy//

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Sub Assistant Registrar

sra
To

1.The Director,
Town and Country Planning,
Anna Salai, Chennai 600 002.

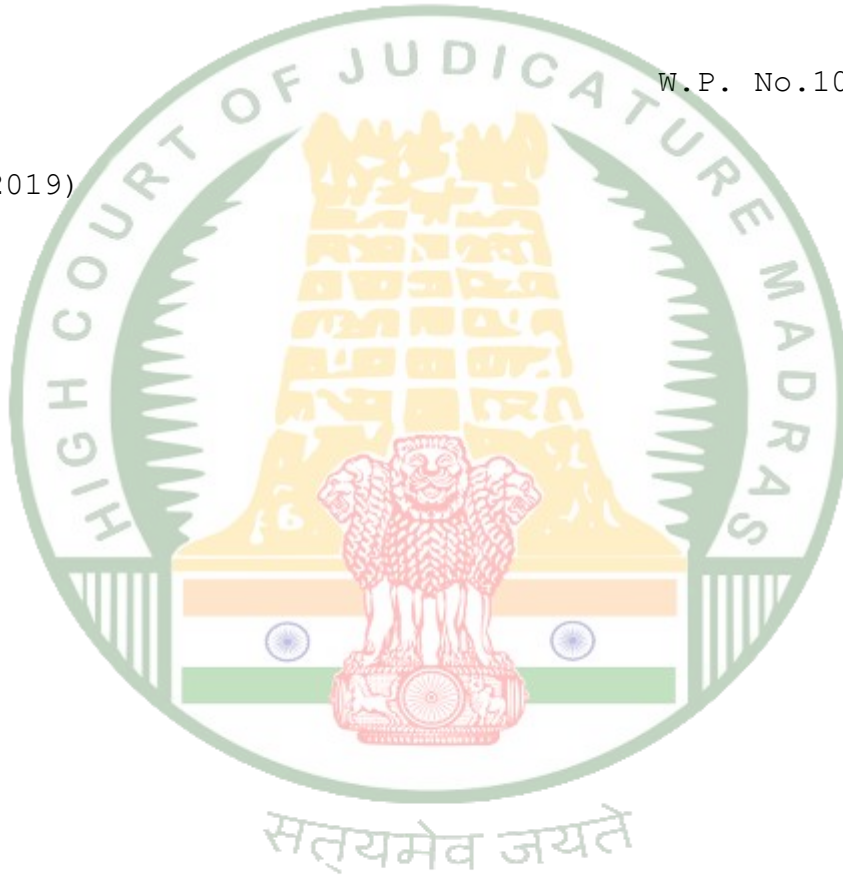
2.The Assistant Director of Town
and Country Planning, Villupuram Region,
TADCO Building G.H.Road,
Villupuram 605 602.

3.The Commissioner
Villupuram Municipality, Villupuram.

+lcc to Mr. P.Srinivas, Advocate, S.R.No. 35281
+lcc to Mr. C.Prakasam, Advocate, S.R.No.35267
+lcc to the Government Pleader, S.R.No. 35010

W.P. No.10691 of 2019

SKV(CO)
GN(02/05/2019)



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