

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.14530 of 2019

S.Abdul Jabbar

...Petitioner

Vs

1. The Commissioner,
Nagapattinam Municipality,
Nagapattinam,
Nagapattinam District,
Nagapattinam-611 001.

2. Fathima Farzana

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 30.04.2019 on the file of first respondent by removing the unauthorised construction (5'X60') 300 square feet of the petitioner land in Survey No.2393, Ward No.5, Block No.33, Nagapattinam Town, Nagore, Nagapattinam District.

For Petitioner : Mr.R.Sankara Subbu

For 1st Respondent : Mr.V.Kathirvelu
Special Government Pleader

O R D E R

[Order of the Court was delivered by C.V.KARTHIKEYAN,J.]

Mr.V.Kathirvelu, the learned Special Government Pleader takes notice on behalf of the first respondent. Second respondent is a private party. We are not issuing notice, since the writ petition is in the nature of Mandamus directing the first respondent to consider the representation of the petitioner dated 30.04.2019.

2. It is the grievance of the writ petitioner that the second respondent Fathima Farzana, had, without planning

permission and without obtaining building plan from Nagapattinam Municipality, commenced construction of a huge building, encroaching on the property of the petitioner to an extent of 5'X60' measuring 300 square feet.

3. It is stated that the first respondent should inspect the building at Survey No.2393, Bungalow Thottam, Third Street, Nagore, Nagapattinam Municipality and remove the unauthorised construction. In this connection, the petitioner has given a representation dated 30.04.2019.

4.A direction is issued to the first respondent to consider the said representation and pass necessary orders after giving due opportunity to all the parties concerned including the petitioner and the second respondent. Necessary orders in accordance with the Rules may be passed within a period of four weeks from the date of receipt of the copy of this order. Additionally, the petitioner may take advantage of G.O.(Ms.) No.540, Revenue Department, dated 04.12.2014 and initiate appropriate action in accordance with the said Government Order.

5. With the said observations, the Writ Petition itself is disposed of. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

rpl/pri

To

The Commissioner,
Nagapattinam Municipality,
Nagapattinam,
Nagapattinam District,
Nagapattinam-611 001.

+1 cc to M/s.Sankara Subbu, Advocate, S.R.No.43866

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RJI (CO)
SSM(23/05/2019) .