

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

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

W.P.No.2399 of 2018

S.Vijayaganapathy

.. Petitioner

Vs

- 1 The Assistant Director
Villupuram Region
Town and Country Planning Department
No.56/A Govt. Hospital Road
Villupuram.
- 2 The Panruti Municipality
Rep. by its Commissioner
Diversion Road
Panruti - 607 106.
- 3 Tamil Nadu Generation and
Distribution Corporation Ltd.
Rep. by its Executive Engineer
Operation and Maintenance (O & M)
Panruti - 607 106.
- 4 Larabsha Dharga
rep. by its Muthavallis,
Cuddalore Main Road,
Panruti Taluk, Panruti-607 106

5 Srinivasan

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 1 and 2 to take action against unauthorised construction carried out by the fifth respondent at Cuddalore Registration District, Panruti Sub Registration District at Cuddalore District in Panruti Taluk within Panruti Municipal limits in Panruti Town property situate at Cuddalore Main Road comprised in Re-Survey No.23 with corresponding Town Survey No. 96, Ward B and Block No.8,

by considering the petitioner's representations dated 6.3.2017 and 19.4.2017 within a stipulated time.

For Petitioner : Mr.P.Suresh Babu

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for 1st respondent

Mrs.P.Rajalakshmi
for 2nd respondent

Mrs.A.Malath Devapriyam
for 4th respondent

Mrs.Revathi Manivannan
for M/s.AAV Partners
for 5th respondent

No appearance
for 3rd respondent

ORDER

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

Heard Mr.P.Suresh Babu, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) for the first respondent; Mrs.P.Rajalakshmi, learned counsel for the second respondent; Mrs.A.Malath Devapriyam, learned counsel for the fourth respondent and Mrs.Revathi Manivannan, learned counsel for the fifth respondent.

2. The petitioner is seeking directions to respondents 1 and 2 to take action against the unauthorized construction carried out by the fifth respondent at Cuddalore Registration District, Panruti Sub Registration District at Cuddalore District in Panruti Taluk within Panruti Municipal limits in Panruti Town property situate at Cuddalore Main Road comprised in Re-Survey No.23 with corresponding Town Survey No. 96, Ward B and Block No.8, by considering the petitioner's representations dated 6.3.2017 and 19.4.2017.

3. The learned counsel for the second respondent Municipality has filed a counter affidavit as well as status report. It is stated therein that the building was inspected on 2.4.2018 by the second respondent and it was found that there was no illegal construction put up by the fifth respondent in the said property. It is further stated that the building is 25

years old and there is no unauthorized construction done by the fifth respondent and only painting work and some renovation work was done by the fifth respondent, which was also immediately stopped by the second respondent. In view of these facts, the second respondent Municipality has not taken any action against the fifth respondent and electricity supply was also not disconnected.

3. In view of the counter affidavit and the status report filed by the second respondent Municipality, no further orders are necessary. The writ petition is dismissed. No costs. Consequently, W.M.P.No.2919 of 2018 is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

sasi

To:

- 1 The Assistant Director
Villupuram Region
Town and Country Planning Department
No.56/A Govt. Hospital Road
Villupuram.
- 2 The Commissioner
Panruti Municipality
Diversion Road
Panruti - 607 106.
- 3 The Executive Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.
Operation and Maintenance (O & M)
Panruti - 607 106.

+1cc to Mrs.P.Rajalakshmi, Advocate SR.No.34110
+1cc to Mr.A.Malath Devapiryan, Advocate SR.No.34129
+1cc to Mr.P.Suresh Babu, Advocate SR.No.34168
+1cc to Mr.M.V.Arunkumar, Advocate SR.No.34199
+1cc to Government Pleader SR.No.34332
+1cc to M/s.AAV Partners, Advocate SR.No.35458 (02/01/2020)

W.P.No.2399 of 2018

GMV (10/05/2019)