

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.9.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.16001 & 16051 of 2018
and
W.M.P.Nos.19030, 19031, 19069 & 19070 of 2018

P.Selvarajan Petitioner in both the cases

Versus

- 1.The Commissioner,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor, 807, Anna Salai,
Chennai 600 002.
 - 2.The Deputy Director,
Directorate of Town and Country Planning,
Salem Region, Sooramangalam,
Salem.
 - 3.The Commissioner,
Attur Municipality,
Municipality Office,
Attur 636 102. Salem District.
 - 4.Executive Engineer
(Operation & Maintenance),
TANGEDCO,
Attur Town, Salem District 636 102. R1 to 4 in both the cases
- M.Madheswaran R5 in W.P.No.16001/2018
- P.Athiyappa Gounder R5 in W.P.No.16051/2018

Prayer in W.P.No.16001/18: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the 3rd Respondent to take action against the 5th Respondent as per letter No.41/2017/F1 dated 20.10.2017 as per Section 216(3) of the TN District Municipalities Act, 1920 in accordance with law.

Prayer in W.P.No.16051/18: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the 3rd Respondent to take action against the 5th Respondent as per the Petitioner's representation dated 10.11.2017 and 5.4.2018 in accordance with law.

For petitioner : Mr.K.Rajasekaran

For RR1 and 2 : Mr.Kamalesh Kannan, Govt. Advocate

For R3 : Mr.A.S.Thambuswamy

For R4 : Mr.S.K.Rameshwar

For R5 : Mr.K.Mohanamurali

COMMON ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

The Petitioner P.Selvarajan son of Ponnusamy Naidu, Attur, Salem has filed these two Writ Petitions challenging the impugned construction raised by Mr.M.Madheswaran, son of Muthu Krishnan, Respondent No.5 in W.P.No.16001 of 2018 and Mr.P.Athiyappa Gounder son of Perumal Gounder, Respondent No.5 in W.P.No.16051 of 2018.

2. Upon issuance of notice, the Respondents put in appearance.

3. The learned counsel Mr.A.S.Thambuswamy, appearing for Respondent No.3, Attur Municipality and Mr.K.Mohanamurali, learned counsel appearing for private Respondent No.5 have submitted before the court that the constructions in question have been raised by the Respondents with due approval of the said Municipality. However, the learned counsel for the Municipality has submitted that there are some deviations in the constructions raised by the private Respondents in both the cases.

4. In the circumstances, we are not inclined to proceed further with the PIL Writ Petition as, prima facie, the constructions in question have been raised with the approval granted by the competent Authority. If there are any deviations, the Respondent-Municipality is free to take action in accordance with law. With this observation, the writ petitions are disposed of. No costs. The connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1.The Commissioner,
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Attur Municipality,
Municipality Office,
Attur 636 102. Salem District.
- 4.Executive Engineer
(Operation & Maintenance),
TANGEDCO,
Attur Town, Salem District 636 102.

+1cc to Mr.K.Rajasekaran Advocate, S.R.No.79566
+1cc to Mr.K.Mohanamurali Advocate, S.R.No.78760
+1cc to the Government Pleader, S.R.No.79370

RV(CO)
CB(27/09/2019)

W.P.Nos.16001 & 16051 of 2018