

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.26235 of 2019

D.Mani

.. Petitioner

-vs-

1.The District Collector,
O/o. Collectorate,
Vellore District,
Vellore-632 009.

2.District Commissioner,
(Special Officer)
Vellore Municipality,
Vellore, Vellore District.

3.District Town and Country Planning Officer,
Regional Government Office,
No.239, 2nd Main Road,
Phase-2, Sathuvachari,
Vellore-632 009.

4.Isakkivel Santhakumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 04.07.2019 and pass orders, within stipulated time in accordance with law and on merits and to direct the respondents 1 to 3 to take suitable action for the demolition of the illegal superstructure made by the 4th respondent in his house site at Plot No.30, II Cross Street, Alamelumangapuram, Vellore-632 009.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.S.N.Pathasarathi
Government Advocate
for respondent Nos.1 and
3

Mrs.P.Shanthi
for respondent No.2

ORDER

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

Heard Mr.M.Gnanasekar, learned counsel for the petitioner; Mr.S.N.Parthasarathi, learned Government Advocate for respondent Nos.1 and 3 and Mrs.P.Shanthi, learned counsel for respondent No.2.

2. The case of the petitioner is that respondent No.4 has put up illegal superstructure in his house site at Plot No.30, II Cross Street, Alamelumangapuram, Vellore-632 009. Being aggrieved by the said fact, the petitioner has preferred a representation dated 04.07.2019 to respondent No.1 i.e., the District Collector, Vellore. The prayer of the petitioner is that respondent No.1 be directed to consider his representation and take action in relation to the illegal superstructure put up by respondent No.4.

3. The learned Government Advocate appearing for respondent Nos.1 and 3 states that the proper authority to consider the representation of the petitioner is respondent No.2 i.e., The Commissioner (Special Officer), Vellore Municipality, Vellore.

4. We have perused the representation of the petitioner dated 04.07.2019. We find that the petitioner has addressed the said representation only to the District Collector, Vellore District and has not addressed the representation to respondent No.2. Moreover, proper address has not been given in the said representation. The representation dated 04.07.2019 does not mention that illegal superstructure has been put up in Vellore, nor Pin Code number where the illegal superstructure has been put up is stated in the representation. In such case, it is

difficult for the authorities to consider the representation of the petitioner dated 04.07.2019 and take action thereon.

5. In view of the above, we are of the opinion that it would be appropriate if the petitioner prefers a fresh representation to respondent No.2 giving correct particulars where the illegal superstructure has been put up.

6. The writ petition is disposed of with the aforesaid liberty. No costs. Consequently, W.M.P.No.25614 of 2019 is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The District Collector,
O/o. Collectorate,
Vellore District,
Vellore-632 009.
- 2.The District Commissioner,
(Special Officer)
Vellore Municipality,
Vellore, Vellore District.
- 3.The District Town and Country Planning Officer,
Regional Government Office,
No.239, 2nd Main Road,
Phase-2, Sathuvachari,
Vellore-632 009.

+1cc to Mr.M.Gnanasekar , Advocate SR.No. 76800
+1cc to M/s.P.Shanthi , Advocate SR.No. 76472
+1 cc to Government Pleader Sr.No. 77408

W.P.No.26235 of 2019

A.SK(26/09/2019)