

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28662 of 2019

M.C. Subramaniam

... Petitioner

-vs-

1. The Collector,
Erode District,
Perundurai Road,
Erode 638 011.
2. The Revenue Divisional Officer,
Erode District,
Erode Town,
Erode 638 001.
3. The Tahsildar,
Perundurai Taluk,
Perundurai 638 052,
Erode District.
4. The Executive Engineer, PWD
Buildings & Maintenance Division,
Collectorate Office Campus,
Perundurai Road, Erode District,
Pin 638 011.
5. The Commissioner,
Chennaiamalai Panchayat Union,
Kankeyam Road, Chennaiamalai 638 051,
Erode District.
6. The Block Development Officer,
(Village Panchayats),
Chennaiamalai Panchayat Union,
Kankeyam Road, Chennaiamalai 638 051,
Erode District.

7. T. Senthilkumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 5 and 6 to issue demolition order as per Section 128 of the Tamil Nadu Panchayats Act, 1994, in view of the status report filed by the 2nd and 3rd respondents herein on 09.09.2019 dated 06.09.2019 along with the report of the 4th respondent dated 30.08.2019 under the directions of this Court dated 02.08.2019 in W.P. No. 18177 of 2018, at the cost of the Petitioner herein within a time frame fixed by this Court.

For Petitioner : Mr. V. Bhiman,
for M/s. Sampathkumar and Associates

For Respondents: Mr. R. Venkatesh,
Government Advocate (for R1 to R6)
No appearance (For R7)

O R D E R

Heard Mr. V. Bhiman, Learned Counsel appearing for the Petitioner and Mr. R. Venkatesh, Learned Government Advocate, who takes notice for the First to Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to the Fifth and Sixth Respondents to issue demolition order as per Section 128 of the Tamil Nadu Panchayats Act, 1994, in view of the status report dated 06.09.2019 filed by the Second and Third Respondents along with the report dated 30.08.2019 filed by the Fourth Respondent pursuant to the directions of this Court in the order dated 02.08.2019 in W.P. No. 18177 of 2018, at the cost of the Petitioner, within a time frame fixed by this Court.

3. Learned Government Advocate appearing for the First to Sixth Respondents, on instructions, states that order Na. No. 1135/2019/A3 dated 13.11.2019 has been passed by the Fifth Respondent granting permission to the Petitioner to demolish the dilapidated building at his cost as sought in the Writ Petition and a copy of the same has been produced. Learned Counsel for the Petitioner acknowledges its receipt.

4. In view of the aforesaid order passed by the Fifth Respondent, it is open to the Petitioner to proceed further to demolish the building in accordance with law at the cost to be borne by him within a period of 15 days from 14.11.2019 (today) as mentioned therein.

4. In the result, the Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

gsa
To

1. The Collector,
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Erode District.

+2cc to M/s. Sampathkumar and Associates, Advocate SR.94525

W.P. No. 28662 of 2019

GP(CO)
CB(18/11/2019)