

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.31765 of 2019

Dr.N.Senthilkumar
S/o.P.Natesan

... Petitioner

Vs

1.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai - 600002.

2.The Deputy Director,
Town and Country Planning Authority,
No.6, Sannathi Street,
Subramaniyan Nagar, II Gate,
Suramangalam,
Salem - 636 001.

3.The Commissioner,
Athur Corporation,
Athur Taluk,
Salem District.

4.Dr.S.Navaneethakrishnan

5.Dr.Pushpa

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents herein to consider the petitioner's representation dated 09.09.2019 and to initiate appropriate action against the illegal construction made by respondents 4 and 5 herein in violation of the rules and regulations and without any approved plan.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents: Mr.V.Shanmuga Sundar,

Special Government Pleader [R1 & R2]

Mr.V.Jayaprakash Narayanan

Government Pleader [R3]

Mr.G.Ravisankar [R4 & R5]

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing respondents herein to consider the petitioner's representation dated 09.09.2019 and to initiate appropriate action against the illegal construction made by respondents 4 and 5 herein in violation of the rules and regulations and without any approved plan.

2. Heard learned counsel for petitioner, learned Special Government Pleader appearing for respondents 1 and 2, learned Government Pleader appearing for third respondent and learned counsel for respondents 4 and 5.

3. Learned counsel for petitioner submits that the petitioner and his wife are owners of the property comprised in S.No.505/7 measuring an extent of 56 cents, R.S.No.505/7A, Old Ward No.12, New Ward No.19, Present Ward No.21, Kamaraj Nagar Road, bearing D.No.431/124 measuring an extent of 2332 sq.ft. and respondents 4 and 5 are owners of the property situated on the western side of the petitioner's property. The grievance of the petitioner is that respondents 4 and 5 illegally trespassed into his property and erected a pillar adjoining his property and when the same was questioned by petitioner, they threatened him. Petitioner has submitted a representation to respondents 1 and 2 enclosing all relevant documents. Since no action has been taken by official respondents, petitioner has filed the present petition seeking the aforesaid relief.

4. Learned counsel for fifth respondent submits that petitioner has already filed W.P.No.14006 of 2019 seeking similar relief and the same was dismissed as withdrawn with liberty to the petitioner to file a civil suit against respondents 5 and 6. Pursuant thereto, petitioner filed a civil suit and the same is pending.

5. Per contra, learned counsel for petitioner submits that the earlier Writ Petition has been filed seeking a direction to remove the encroachments put up by respondents 4 and 5 and the present Writ Petition is filed seeking action against illegal construction.

6. At this juncture, learned Government Pleader appearing for third respondent submits that 'stop work notice' has already been issued and action against putting up of illegal construction has also been initiated. The said submission is recorded.

In view of the submission made by learned Government Pleader, the Writ Petition is closed as nothing survives for further adjudication. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai - 600002.
- 2.The Deputy Director,
Town and Country Planning Authority,
No.6, Sannathi Street,
Subramaniyan Nagar, II Gate,
Suramangalam,
Salem - 636 001.
- 3.The Commissioner,
Athur Corporation,
Athur Taluk,
Salem District.

+lcc to Mr.S.Janarthanan , Advocate SR.No. 103747
+lcc to Mr.V.Jayaprakash , Advocate SR.No. 103324
+lcc to Mr.G.Ravisankar , Advocate SR.No. 103059

Writ Petition No.31765 of 2019

svi (CO)
A.SK(07/02/2020)

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