



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND

THE HONOURABLE MRS. JUSTICE R.THARANI

Writ Petition (MD)No.4835 of 2019

and

W.M.P. (MD) .No.3845 of 2019

V.Palaniappan

.. Petitioner

Vs.

1.The District Collector,
Theni,
Theni District.

2.The Commissioner,
Theni Allinagaram
Theni District.

3.Mrs.Sankareswari

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing the respondents to stop the illegal construction commenced by the 3rd respondent in Survey No.514/1 admeasuring 882 sq feet situated in new ward 25, Bhavathi Amman Street, L Tex Tailor Lane, Theni District, without obtaining plan approval from the respondents by considering the representation of the petitioner dated 19.02.2019.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Pandiarajan

Additional Government Pleader for R-1

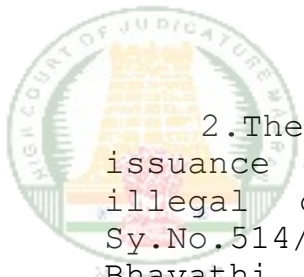
M/s.K.Hemakarthiskeyan for RR-1 & 2

Mr.R.Maheswaran for R-3

ORDER

[Order of the Court was made by **K.KALYANASUNDARAM, J**]

Heard Mr.S.C.Herold Singh, learned counsel for the petitioner, Mr.M.Pandiarajan, learned Additional Government Pleader for the first respondent, Mr.Hemakarthiskeyan, learned counsel for the second respondent and Mr.R.Maheswaran, learned counsel for the third respondent.



2.The petitioner has come up with this writ petition for issuance of writ of mandamus, directing the respondents to stop illegal construction, commenced by the third respondent in Sy.No.514/1, admeasuring 882 sq.feet, situated in New ward No.25, Bhavathi Amman Street, Theni District, without obtaining planing approval from the respondents, by considering his representation, dated 19.02.2019.

3.The case of the petitioner is that the third respondent purchased the property bearing door Nos.36, 37 and 38 measuring an extent of 882 sq. ft in Sy.No.514/1 on 10.03.2017 and after demolishing the old building, constructed a new building, without obtaining planning permission from the competent authority.

4.Per contra, it is argued by Mr.R.Maheswaran, learned counsel for the third respondent that the third respondent is constructing the building, according to the approved plan and there is no violation or deviation.

5.Learned Standing counsel for the second respondent would state that the second respondent is ready to consider the representation of the petitioner.

6.In the light of the above facts and circumstances of the case, without going into the merits of the matter, this Court directs the second respondent to consider and pass appropriate orders on the representations of the petitioner, dated 04.02.2019 and 19.02.2019, in accordance with law, after providing ample opportunity to all the necessary parties, within a period of three months from the date of receipt of a copy of this order.

7.With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

vs

To

1.The District Collector,
Theni,
Theni District.



2. The Commissioner,
Theni Allinagaram
Theni District.

WEB COPY

+1CC TO MR.K.HEMAKARTHIKEYAN, Advocate Sr. No.56664
+1CC TO MR.S.C.HEROLD SINGH, Advocate Sr. No.56767
+1CC TO MR.R.MAHESWARAN, Advocate Sr. No.57036
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.57173

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TR (10.04.2019) 3P 7C