



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE **MR. JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS. JUSTICE R.THARANI**

Writ Petition (MD).No.7616 of 2019

and

W.M.P(MD).No.6055 of 2019

Gopalakrishnan

... Petitioner

Vs.

1.The District Collector,
Karur District,Karur.

2.The Tahsildar,
Kulithalai Taluk,
Kulithalai, Karur District.

3.The Block Development Officer,
Kulithalai Panchayat Union,
Kulithalai, Karur District.

4.Anandapadmanaban

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 2 and 3 to remove the unauthorized construction made by the fourth respondent in S.No.284/1E, 284/1C, Sedar Street, Thanneerpalli, Rajendram North Village, Kulithalai Taluk, Karur District, within a time frame as fixed by this Court.

For Petitioner : Mr.P.Santhanakrishnan

For Respondents : Mr.A.K.Baskarapandian (for R1 to R3)
Special Government Pleader
Mr.G.Sridharan (for R4)

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM,J.**)

Heard Mr.P.Santhanakrishnan, learned counsel for the petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.G.Sridharan, learned counsel appearing for the fourth respondent.

2.The petitioner seeks for direction on the respondents to remove the unauthorised construction put up by the fourth respondent.

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3.On perusal of the photograph filed in the typed set of papers, it appears that the construction put up is in total violation of the relevant Rules.

4.The contention placed by the fourth respondent is that revised plan has been submitted and it shows that the fourth respondent has constructed either without planning permission or in total violation thereof. Therefore, the construction put up is illegal. However, it is for the third respondent, who is the appropriate authority, who should have taken action and if he has been a silent spectator, then we will be compelled to infer that there is collusion between the third and fourth respondents. Since the revised plan has been submitted, we direct the third respondent to consider the revised plan in accordance with law within a period of one week from the date of receipt of a copy of this order, after conducting a spot inspection and after issuing notice to the writ petitioner and the fourth respondent.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Karur District, Karur.

2.The Tahsildar,
Kulithalai Taluk,
Kulithalai, Karur District.

3.The Block Development Officer,
Kulithalai Panchayat Union,
Kulithalai, Karur District.

+1 CC to Mr.P. SANTHANA KRISHNAN, Advocate SR-85208.

+1 CC to Mr.G. SRIDHARAN, Advocate SR-85226.

+1 CC to SPL GP SR-85608.

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