



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P.(MD).No.20562 of 2019

and

W.M.P.(MD).No.17202 of 2019

K.Marichamy

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Theni,
Theni District.

2.The Regional Director,
Municipality Administration,
and Water Supply,
Madurai,
Madurai District.

3.The Commissioner,
Cumbum Municipality,
Cumbum,
Theni District.

4.Karuppiah
5.Thangamuthu
6.Muthuselvan

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 4 to 6 for the illegal unauthorized construction with encroachment of 200 sq.ft., of poramboke land on northern side of the road as per the representation dated 17.07.2019 and 24.07.2019.

For Petitioner: Mr.M.A.M.Raja

For R1 to R3 : Mr.S.Angappan

<https://hcservices.ecourts.gov.in/hcservices/>

Government Advocate



ORDER

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

Writ Petition Heard Mr.M.A.M.Raja learned counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate appearing for the respondent Nos.1 to 3.

2.By consent of either side, this writ petition is taken up for disposal.

3.The petitioner by way of this writ petition states that the respondent Nos.4 to 6 have encroached into the land belonging to the Municipality and put up a construction. It is further submitted that the application for building plan approval was rejected by the Municipality, but unauthorizedly construction is being proceeded with.

4.Since we are disposing of the writ petition without notice to the respondents 4 to 6, we are not inclined to issue any positive direction. However, it goes without saying that if there is any illegal or unauthorized construction, the Municipality should take immediate action and if no action is taken on such illegal construction, then the Court can infer that the Municipality is colluded with the encroachers.

5.In the light of the above, we direct the third respondent to consider the petitioner's representation and conduct inspection of the area and if necessary, conduct a survey after notice to the respondents 4 to 6 and appropriate action be taken in accordance with law. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)



To

1. District Collector Office,
Theni,
Theni District.

2. The Regional Director,
Municipality Administration,
and Water Supply,
Madurai,
Madurai District.

3. The Commissioner,
Cumbum Municipality,
Cumbum,
Theni District.

+1 CC to M/s.GP (SR-89815[F] dated 26/09/2019)

W.P. (MD) .No.20562 of 2019
24.09.2019

_KM/ (09.10.2019) 3P 5C