



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.24151 of 2018

V.Srinivasagan

: Petitioner

Vs.

- 1.The District Collector,
Collectorate Complex,
Virudhunagar District,
Virudhunagar - 626 001.
- 2.The Superintendent Engineer,
TANGEDCO, Ramamurthy Road,
Virudhunagar - 626 001.
- 3.The Tahsildar,
Taluk Office, Srivilliputtur - 625 125,
Virudhunagar District.
- 4.The Block Development Officer,
Watrap Panchayat Union,
Watrap, Virudhunagar District.

5.R.Poongavanam

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus direct the official respondents to consider the petitioners representation consequently to direct the 1st & 4th Respondents to demolish the illegal construction carried out by the 5th Respondent and also to direct the 2nd respondent to disconnect the temporary EB connection in the said illegal/unauthorized building and also to direct the 1st Respondent to initiate departmental disciplinary proceedings against the fourth respondent in the interest of justice.



WEB COPY

For Petitioner : Mr.SS.Madhavan
For R-1 to R-3 : Mr.N.Shanmugaselvam
Additional Government Pleader
For R-4 : Mrs.S.Srimathy
Special Government Pleader
For R-5 : No Appearance

O R D E R

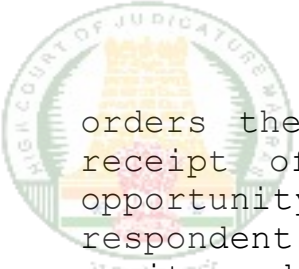
[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY, J.**]

In this writ petition, the petitioner prays for a writ of Mandamus to direct the respondents to consider his representation, with a consequential direction to the first and fourth respondents to demolish the illegal construction carried out by the fifth respondent and also to direct the second respondent to disconnect the temporary EB connection in the said illegal/unauthorised building and further, to direct the first respondent to initiate departmental disciplinary proceedings against the fourth respondent.

2.The case of the petitioner is that the petitioner has a building in Survey No.1085/14 and that the owner of the adjacent property, viz., the fifth respondent herein is putting up an unauthorised/illegal construction, without getting approval from the appropriate authorities, by encroaching on the patta land of the petitioner. In this regard, the petitioner submits that a written complaint, dated 16.10.2018, was given to the official respondents, but no action has been taken.

3.We heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Special Government Pleader appearing for the fourth respondent. In spite of notice, both through court and privately, on the fifth respondent, there was no appearance for the fifth respondent, either in person or through counsel.

4.In view of the fact that the petitioner is only asking for his representation, dated 16.10.2018, to be considered and for consequential action, if it is found that the construction made by the fifth respondent is illegal, without expressing any opinion on the merits of the dispute, we propose to dispose of the writ petition by directing the fourth respondent, to consider the representation, dated 16.10.2018, of the petitioner and pass



orders thereon, within a period of four weeks from the date of receipt of a copy of this order, after providing reasonable opportunity of hearing both to the petitioner and the fifth respondent. The said decision shall be made by a speaking order on merits and in accordance with law.

WEB COPY

5.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,Collectorate Complex,
Virudhunagar District,Virudhunagar - 626 001.
- 2.The Superintendent Engineer,TANGEDCO, Ramamurthy Road,
Virudhunagar - 626 001.
- 3.The Tahsildar, Taluk Office, Srivilliputtur - 625 125,
Virudhunagar District.
- 4.The Block Development Officer, Watrap Panchayat Union,
Watrap, Virudhunagar District.

+1cc to the Spl.Govt.Pleader Sr.No.76585

+1cc to Mr.S.S.MADAVAN,Advocate, SR.No.76302

rj2
W.P. (MD) No.24151 of 2018
19.07.2019

NA (30.07.2019) 3P :7C