

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.36121 of 2015
and M.P.No.1 of 2015
(Heard through VC)

E. Srinivasan

...Petitioner

Vs

1. The Regional Deputy Director
of Municipal Administration and Water Supply
Department, No.10, Sarathy Nagar,
Kaagithapattarai, Vellore, Vellore District
 2. The Commissioner
Tindivanam Municipality (township)
Tindivanam, Villupuram District
 3. S.Anna Durai (Rtd)
Commissioner, Tindivanam Municipality
(township), Tindivanam, Villupuram District
 4. The Public Information Officer cum Manager
Tindivanam Municipality
(Town ship) Tindivanam Villupuram District
 5. C. Krishnarajan
(The Public information officer cum Manager)
Tindivanam Municipality (Township)
Tindivanam Villupuram District
 6. Tmt. Lalitha
W/o. R. Parthasarathy Naidu No.7B/1
Thulkana Gounder Street Avarapakkam
Tindivanam Villupuram District
- ...Respondents

* * *

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to initiate departmental proceedings against the 5th respondent basing upon my representation dated 29-06-2015.

For Petitioner : Mr.M.Sathish Kumar
For Respondent-1 : Mr.V.Shanmugasundar,
Spl.Govt.Pleader
For Respondents-2 & 4: Mr.P.Srinivas
For Respondents 3 & 5: Served-No Appearance
For Respondent-6 : Mr.I.Anand

ORDER

The petitioner has sought for a Writ of Mandamus, directing the first respondent to initiate departmental proceedings against the fifth respondent, based on his representation dated 29-06-2015.

2. The case of the petitioner is that his wife is entitled to an extent of 2,376 sq.ft. in the undivided share of the property situated in S.No.103/10 at Door No.7B Old Thulukana Gounder Street, Avarapakkam, Tindivanam, Villupuram district, in which the sixth respondent, namely Lalitha constructed a building and obtained tax assessment in her name. Hence the wife of the petitioner preferred a partition suit in O.S. No.18 of 2012 before the District Munsif Court, Tindivanam and the same was pending at the time of filing of the suit.

3. According to the petitioner, his wife has preferred an application under RTI Act to the third respondent requesting details about the assessment of tax and planning permission of the construction, for which the third respondent had stated that the tax assessment was in the name of the sixth respondent and no planning permission was sanctioned. Thereafter, she sent a representation to the second respondent about the illegal construction by the sixth respondent. The second respondent issued a show cause notice of interim order to stop the illegal construction to the sixth respondent, but the sixth respondent had violated the order and carried on the construction and the order was extended for two years.

4. Thereafter, the wife of the petitioner had preferred an appeal under RTI Act and she also preferred a second appeal before the Tamil Nadu Information Commission and summons was issued to the third respondent by the Commission to show cause why departmental action should not be initiated against him and directed the second respondent to furnish the details of the loss of revenue within 30 days. The second respondent has furnished the details of loss. Hence, wife of the petitioner

sent a representation on 29.06.2015 to the first respondent to initiate action against the 3rd and 5th respondents herein departmentally and to recover the loss of revenue tax from the 6th respondent. As there was no response, she filed the present writ petition.

5. The learned Special Government Pleader appearing for the first respondent submits that already notice has been issued to the third respondent. However, it is also stated that the third respondent has migrated to some other place and his present address could not to be traced. As already proceedings have been initiated, it is open to the petitioner to follow up the said proceedings with the first respondent.

6. In view of the above said submission, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

asr/srn

To

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3. The Commissioner, Tindivanam Municipality
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- 4.The Public Information Officer cum Manager
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- 5.(The Public information officer cum Manager)
Tindivanam Municipality (Township)
Tindivanam Villupuram District

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AJS (CO)
CB(05/11/2020)