

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.13789/2020 & WMP.No.17136/2020

N.Saravanan

...Petitioner

Versus

1. The District Collector
Perambalur District, Perambalur.
2. The Commissioner
Perambalur Municipality,
Perambalur District.
3. The Assistant Director,
Local Planning Authority,
Perambalur District.
4. The District Fire Officer
Fire and Rescue Department
Perambalur District.
5. The Executive Engineer
State Highway Department
Perambalur District.

6. Selvaraj

7. Dhanalakshmi

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 5 to take action against unauthorised construction put up by the 6th and 7th respondents in SF.No.297/1 in Shop No.1, Door No.124A, New Ward No.2, Kadaiveethi, Perambalur Town and Taluk, Perambalur and demolish the same based on the petitioner's representation dated 24.08.2020.

For Petitioner : Mr.B.Prasanna Vinoth
For RR1, 3 to 5: Mr.R.Vijayakumar, AGP
For R2 : Mr.P.Srinivas

ORDER

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1, 3 to 5 and Mr.P.Srinivas, learned Standing counsel accepts notice on behalf of the 2nd respondent.
- (3) The petitioner is a resident of Door No.49A, Big South Street, Perambalur Town and District and according to him, the main access to the area in which he is residing is through 'Kadaiveethi' Street and in his locality, a commercial entity is located in SF.No.297/1, bearing Shop NO.1, Door No.124A, New Ward No.2, Kadaiveethi Street, Perambalur Town and it consists of ground and first floors. It is the specific case of the petitioner that respondents 6 and 7 started putting up further constructions upon the said building without any planning permission/permit/license and in the process, also encroached upon the set back areas in front and right side of the said building.
- (4) The learned counsel for the petitioner submitted that since the existing superstructure is an old one, the stability of the building is also under doubt in the event of new additional constructions being put up by the private respondents and in this regard, the petitioner has also submitted representations dated 24.08.2020 and 25.08.2020 respectively to respondents 1 to 5 and despite receipt and acknowledgment, no action has been taken and the private respondents are hurriedly proceeding with the said construction and hence, prays for appropriate orders.
- (5) During the course of arguments, this Court has put a specific query to the learned counsel for the petitioner as to the premises in which the petitioner is residing, is an authorised construction and that whether the petitioner is having any private or personal dispute with the private respondents and it is his response on instructions that the premises in which the petitioner is residing, is an authorised one and that apart, the petitioner has no personal or private disputes with respondents 6 and 7 and the said submission, on instructions, is placed on record.
- (6) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, directs the respondents 2 and 3 to put the petitioner as well as respondents 6 and 7 on notice and cause inspection

of the alleged on-going construction in SF.No.297/1, in Shop No.1, Door No.124A, New Ward No.2, Kadaiveethi, Perambalur Town and Taluk as well as the premises of the petitioner, bearing door No.49A, Big South Street, Perambalur, to find out whether the existing superstructure of the petitioner as well as the alleged on-going construction being put up by respondents 6 and 7 are authorised / unauthorised / deviated and depending upon the result of the inspection, shall initiate appropriate action in accordance with law by also adhering to the principles of natural justice and complete the entire exercise within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as respondents 6 and 7.

(7)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Perambalur District, Perambalur.

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Perambalur Municipality,
Perambalur District.

3.The Assistant Director,
Local Planning Authority,
Perambalur District.

4.The District Fire Officer
Fire and Rescue Department
Perambalur District.

5.The Executive Engineer
State Highway Department
Perambalur District.

+1cc to Mr.B.Prasanna vinoth , Advocate, sr no.32991

WP.No.13789/2020

PVS (CO)
RMP (01/12/2020)