

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.11.2020

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.14716 of 2020

Francis

..Petitioner

Versus

- 1.The District Collector,
Chengalpattu.
- 2.The Revenue Divisional Officer,
Chengalpattu.
- 3.The Tahsildar,
Thirukazhukundram Taluk,
Chengalpattu District.
- 4.The Director of Town Panchayats
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai 28.
- 5.The Assistant Director of Town Panchayats
Collectorate Campus, Kancheepuram.
- 6.The Executive Officer,
Mamallapuram Town Panchayat (spl.grade)
Mamallapuram, Thirukazhkundram Taluk,
Chengalpattu District.
- 7.The Member/Secretary,
Mamallapuram Pudhu Nagar Development Committee,
at Chengalpattu.
- 8.The Director,
India Tourism Development Corporation Ltd, .

Scope Complex, Core 8,
6th Floor, No.7, Lodi Road,
New Delhi - 3.

9.The Assistant Engineer (O/M)
Tamil Nadu Electricity Board,
Mamallapuram.

10.Mr.D.Srinivasan

..Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus Directing the Respondents 1 to 8 herein to take action against the 10th Respondent for the unlawful construction made in comprised in S.No. 100/4, Mamallapuram Village, Kovalam Road, Mamallapuram, Thirukazhukundram Taluk, Chengalpattu district by considering the petitioners representations dated 21.05.2020, 29.05.2020, 03.06.2020, 05.06.2020 and 25.06.2020.

For Petitioner : Mr.A.Ramalingam

For RR 1 to 7 : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

By consent, the Writ Petition is taken up for final disposal and disposed of by this order.

2. Mr.V.Jayaprakash Narayanan, learned Government Pleader who accepts notice on behalf of the respondents 1 to 7.

3. The petitioner is a resident of Mamallapuram, Thirukazhukundram Taluk, Chengalpattu District and came forward to file this Writ Petition as a Public Interest Litigation stating among other things that the land in S.F.No.100/4, situate at Kovalam Road, Mamallapuram, Thirukazhukundram Taluk, Chengalpattu District, originally belongs to the 8th respondent namely India Tourism Development Corporation Ltd, (ITDCL) and apart from the said land, the 8th respondent had also been issued with patta no.1211 in respect of other lands also.

4.The learned counsel appearing for the petitioner would submit that the 7th respondent, on an earlier occasion, had issued a notice dated 20.05.2020 in Na.Ka.No.09/2019/Ma.Pu.Na.Va.Ku under Sections 56 and 57 and Section 87 of the Town and Country Planning Act, 1971 (in short

'the TCP Act'), calling upon the 10th respondent to halt the construction on the said land on account of the said construction being unauthorised in nature and thereafter, did not follow it up and taking advantage of the same, the 10th respondent has already completed the construction and also putting up another construction. It is the further submission of the learned counsel appearing for the petitioner that the representations dated 21.05.2020, 29.05.2020, 03.06.2020, 05.06.2020, 20.06.2020 and 25.06.2020 respectively, submitted by the petitioner in this regard, so far failed to invoke any kind of response and therefore, he is constrained to approach this Court by filing this Writ Petition.

5.Mr.V.Jayaprakash Narayanan, learned Government Pleader appearing for the respondents 1 to 7, on instructions, would submit that there is an inter se Agreement between the 10th respondent and the Fishermen Panchayat and since the contents of the representations would revolve around adjudication on disputed question of fact, the Writ Petition is not maintainable and it is open to the Writ Petitioner to avail any other remedy available to him under law.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.A perusal of the typed set of documents would disclose that on an earlier occasion, the 7th respondent had issued a notice dated 20.05.2020 to the 10th respondent to halt the unauthorised construction which is being put up in S.F.No.100/4, situated at Kovalam Road, Mamallapuram, Thirukazhukundram Taluk, Chengalpattu District and there are no materials placed as to the further follow up action. Be that as it may, the petitioner has at least pointed out the unauthorised construction on the part of the 10th respondent and therefore, the representations submitted in this regard are bound to be looked into by the concerned official respondents and they should send reply. This Court has pointed out that once a representation is sent to the concerned official respondents, pointing out any infraction of relevant laws etc, it is obligatory and rather mandatory upon the concerned official respondents to respond to the same. But undoubtedly, despite availability of E-Seva announced by the Government with much fan fair, nothing is happening and over time, the concerned parties are approaching this Court for getting necessary orders, even for disposal of the representation. No useful purpose would be served by merely announcing a portal or scheme as to the disposal of the representation without being followed as to its effective implementation and it is the high time, the Government should look into it and set things right.

8.This Court in the light of the above facts and circumstances, and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to cause inspection of the superstructure already put up or said to have been put up by the 10th respondent after putting him on notice with the assistance of the relevant records and if any infraction is noticed / continues to take place, shall take immediate, necessary and appropriate action in accordance with law and communicate the decision taken, to the petitioner as well as to the 10th respondent.

The Writ Petition stands disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The District Collector,
Chengalpattu.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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9.The Assistant Engineer (O/M)
Tamil Nadu Electricity Board,
Mamallapuram.

Copy to:
The Chief Secretary,
Government of Tamil Nadu,
Chennai 600 009.

+1 CC to The Government Pleader sr 36720.
+1 CC to Mr.A.Ramalingam, Advocate sr 36873

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SRA(CO)
SP(11/12/2020)

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