

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.16182 of 2020

M.Victor Jeyaseelan .. Petitioner

Versus

- 1.The District Collector,
Office of the District Collector,
Udhagamandalam.
- 2.The Director,
Town and Country Planning,
Office of the Town and Country Planning
807, Anna Salai, Chennai 600 002.
- 3.The Assistant Director,
District Town and Country Planning,
Office of the District Town and Country Planning,n
The Nilgris.
- 4.The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam.
- 5.M.Thaddeus
- 6.Smt.Leena Charles .. 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 3 and 4 to take immediate

action to without any planning permission illegal and unauthorized construction made by the respondents 5 and 6 herein at D.No.73F, 42/73(old), Gangai Gowder line, behind Rohini Theatre, Udhagamandalam bearing Assessment No.10058 in Ward No.20 without following the norms enumerated by the State Government and considering the representation of the petitioner herein dated 15.06.2020 and 04.09.2020.

For Petitioner : Ms.C.Meena for Mr.C.Raghu

For RR 1 to 4 : Mr.M.Elumalai
Additional 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 is disposed of by this order.

2.Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 4.

3.The petitioner has filed O.S.No.48 of 2020 against the respondents 5 and 6 on the file of the Court of District Munsif, Udhagamandalam praying for judgment and decree for permanent injunction restraining the defendants, their men, agents or anybody claiming through them in any way interfering with the peaceful possession and enjoyment of the property admeasuring an extent of 0.02/3-16 acres of land with the residential premises bearing Door No.73F, 42/73 (old), Gangai Gowder Line, Udhagamandalam, the Nilgris District and pending disposal of the same, took out an interlocutory application in I.A.No.2 of 2020. The Trial Court, vide interim order, dated 10.06.2020, has granted an interim order of Status Quo and according to the learned counsel appearing for the petitioner, it is still subsisting and being extended from time to time.

4.The primordial submission made by the learned counsel appearing for the petitioner is that the private respondents had started putting up a wholly unauthorised construction in S.F.No.38,41, admeasuring an extent of 0.02-3/16 acres in the said place and in this regard, a representation dated 07.09.2020 was submitted to the 2nd respondent, who in turn vide communication dated 10.09.2020 in Na.Ka.No.12395/2020/TCP-3, forwarded the same to the 3rd respondent for taking appropriate action and inform the same to the petitioner and despite nearly two months had lapsed, no action whatsoever, has been taken and taking advantage and inaction on the part of the 3rd respondent, the respondents 5 and 6 are urgently proceeding further to complete the construction and the learned counsel appearing for the petitioner has also drawn the attention of this Court to the photographs available at page no.32 of the typed set of

documents and prays for appropriate orders.

5.Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and would submit that on the basis of the communication sent by the 2nd respondent, the matter is being looked into.

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

7.Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the 3rd respondent to proceed further, in the light of the above cited communication of the 2nd respondent dated 10.09.2020, by causing inspection of the said land, by putting the respondents 5 and 6 on notice and if the inspection reveals any infraction of relevant statutory provisions / regulations / norms, shall take appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of ten (10) weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the respondents 5 and 6.

8.The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Office of the District Collector,
Udhagamandalam.

2.The Director,
Town and Country Planning,
Office of the Town and Country Planning
807, Anna Salai, Chennai 600 002.

3.The Assistant Director,
District Town and Country Planning,
Office of the District Town and Country Planning,n
The Nilgris.

4.The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam.

+1cc to the Government Pleader SR.NO.36936

+1cc to M/s.C.Raghu, Advocate SR.NO.36872

W.P.No.16182 of 2020

SRA CO
SDR 14/12/2020



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