



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.28908 of 2019
and
W.M.P.Nos.28648 and 28649 of 2019

J.Mohan
S/o.C.K.Jaganathan

... Petitioner

Vs.

1.The Tahsildar,
Avadi Taluk,
O/o. The Tahsildar,
Chennai - 600054.

2.The Executive Officer,
Tiruninravur Town Panchayat,
Tiruvallur - 602024.

3.The Surveyor,
O/o.The Tahsildar,
Avadi, Chennai - 600054.

4.Thangapandian

5.The Block Development Officer,
Block Development Office,
Nedukuthagai Village Panchayat,
Poonamallee Panchayat Union,
Chennai - 600050.

(R5 impleaded as per order dated
31.01.2020 made in W.M.P.No.2016/2020
in W.P.No.28908/2019)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing second respondent to take appropriate action on the petitioner's representation dated 19.09.2019 against the illegal construction being put up by fourth respondent and to demolish the same, within a time frame fixed by this Court.



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For Petitioner : Mr.V.Manisekaran

For Respondents : Mr.E.Balamurugan
Special Government Pleader [R1 to R3]
Mr.S.Srinivasan [R4]
Mr.V.Jayaprakash Narayanan
Government Pleader [R5]

O R D E R

[Order of the Court was made by R.SUBBIAH, J]

The present Writ Petition has been filed seeking issuance of a Writ of Mandamus directing second respondent to take appropriate action on the petitioner's representation dated 19.09.2019 against the illegal construction being put up by fourth respondent and to demolish the same, within a time frame.

2. Heard learned counsel for petitioner, learned Special Government Pleader appearing for respondents 1 to 3, learned counsel appearing for fourth respondent and learned Government Pleader appearing for fifth respondent.

3. Though very many contentions have been raised in the Writ Petition, the sum and substance of the grievance of the petitioner is that the fourth respondent is putting up illegal construction. Petitioner submitted a representation dated 19.09.2019 to second respondent requesting to forthwith stop the fourth respondent from putting up illegal construction and take appropriate action to demolish the same. Since no action was taken, the present Writ Petition has been filed seeking the aforesaid relief.

4. Learned Special Government Pleader appearing for respondents 1 to 3 submits that second respondent is not the competent authority to consider the petitioner's representation and hence, petitioner may be directed to submit a fresh representation to the competent authority viz., fifth respondent, who shall consider the same in accordance with law.

5. In view of the said submission, this Court, without going into the merits of the case, directs the petitioner to submit a fresh representation to fifth respondent within a period of one week from the date of receipt of this order. On receipt of the such representation, fifth respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to petitioner as well as to fourth respondent. If the fifth respondent finds any illegal construction put up by fourth respondent in the subject land, the fifth respondent shall proceed further in accordance with law.



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The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Tahsildar,
Avadi Taluk,
O/o. The Tahsildar,
Chennai - 600054.
- 2.The Executive Officer,
Tiruninravur Town Panchayat,
Tiruvallur - 602024.
- 3.The Surveyor,
O/o.The Tahsildar,
Avadi, Chennai - 600054.
- 4.The Block Development Officer,
Block Development Office,
Nedukuthagai Village Panchayat,
Poonamallee Panchayat Union,
Chennai - 600050.

+1cc to Mr.V.Jayaprakash, Advocate, S.R.No. 13228
+1cc to Mr.V.Manisekaran, Advocate, S.R.No. 12950
+1cc to Mr.S.Srinivasan, Advocate, S.R.No. 12998
+1cc to the Government Pleader, S.R.No.13608

Writ Petition No.28908 of 2019

BP(CO)
GN(02/07/2020)