



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8334 of 2020

WEB COPY

R.Nagarajan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Director,
Town and Country Planning,
Anna Salai, Chennai.

3.The Assistant Director,
Town and Country Planning,
Collectorate, Sivagangai.

4.The Commissioner,
Devakottai Municipality,
Devakottai.

5.Sivakumar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to demolish and remove the unauthorized construction in S.F.No.A/8/3/2A situated at Ramnagar, Devakottai put up by the fifth respondent.

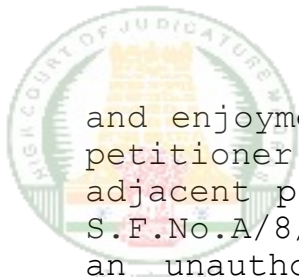
For Petitioner : Mr.S.Madhavan

For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader
for R.1 to R.3
: Mr.H.Mohammed Imran
for R.4

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner is a resident of 4th street, Ramnagar, Devakottai, Sivagangai District and he claims to be in possession
<https://hcservices.ecourts.gov.in/hcservices/>



and enjoyment of the said property. The grievance expressed by the petitioner is that the fifth respondent, who had purchased the adjacent plot /house site, admeasuring to an extent of 11 cents in S.F.No.A/8/3/2A situated at Ramnagar, Devakottai, started to put up an unauthorised construction. The petitioner, in this regard, sought information under the Right to Information Act as to whether the fifth respondent obtained any planning permission before commencing construction. However, the fourth respondent has rejected the said request, in the light of the objection raised by the fifth respondent and also in terms of Section 11 of the Right to Information Act, 2005.

2. The learned Counsel appearing for the petitioner would submit that though the fifth respondent is the owner of the adjacent site, without obtaining any planning permission or approval, he cannot put up any unauthorised construction and therefore, a representation in this regard dated 16.06.2020 submitted by the petitioner is to be given a meaningful disposal and hence prays for appropriate direction.

3. Mr.VR.Shanmuganathan, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 3 and would submit that the office of the Deputy Director of Town and Country Planning, Sivagangai, sent a communication dated 25.06.2020, in Na.Ka.No.1133/2020/Si.Ma.4 to the fourth respondent, to look into the complaint and take appropriate action and also inform the same to their office as well as to the petitioner and in the light of the same, the fourth respondent may take appropriate action.

4. The learned Standing Counsel appearing for the fourth respondent would submit that in the light of the communication of the Deputy Director of Town and Country Planning, Sivagangai, dated 25.06.2020, the ongoing construction said to have been done by the fifth respondent, would be the subject matter of inspection and depending upon the result of the inspection, appropriate steps will be taken.

5. This Court heard the rival submissions and perused the materials placed before this Court.

6. Though the petitioner prays for the larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the case as projected by the petitioner either in his representation or in this writ petition, directs the fourth respondent to act on the communication of the Deputy Director of Town and Country Planning, Sivagangai, dated 25.06.2020, in Na.Ka.No.1133/2020/Si.Ma.4 and after putting the fifth respondent on notice, shall cause inspection of the ongoing construction in his house site / plot and depending upon the result of the inspection, shall take appropriate action in accordance with



communicate the decision taken to the petitioner as well as to the fifth respondent. The fourth respondent is directed to carry out the said exercise within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Director,
Town and Country Planning,
Anna Salai, Chennai.
- 3.The Assistant Director,
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VB (07.08.2020) 3P 5C