



WEB COPY

W.P.(MD)No.10616 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.10616 of 2020

and

W.M.P. (MD) No.9353 of 2020

N.Venkatesan

... Petitioner

Vs.

1.The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

2.Senthil Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the representation dated 13.08.2020 of the writ petitioner in respect of the building under construction in T.S.No.423/1B2, Ward 2, Block 15, Karaikudi Town, Sivagangai District.

For Petitioner : Mr.S.Vinod Sathya Lazar
For 1st Respondent : Mr. P.Mahendran
Standing Counsel

O R D E R

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

Heard Mr.S.Vinod Sathya Lazar, learned counsel for the petitioner and Mr.P.Mahendran, learned Standing Counsel, who accepts notice on behalf of the first respondent. In view of the order going to be passed in this Writ Petition, no notice is ordered to the second respondent.

2.It is the case of the petitioner that he is the owner of the property in T.S.No.423/4A, Ward 2, Block 15, Karaikudi Town, Sivagangai District. The second respondent is the owner of T.S.No.423/1B2 of the same town. The primordial grievance expressed by the petitioner is that the second respondent has started putting up construction using the compound wall of the property of the petitioner as a supporting wall and thereby, endangering his compound wall. The petitioner in this regard has sent a representation dated 13.08.2020 to the first respondent to prevent the said illegal act of the second respondent and despite



receipt and acknowledgment, no action has been taken and therefore, the petitioner came forward to file this Writ Petition.

3.The learned counsel for the petitioner would submit that on behalf of the petitioner a legal notice dated 24.07.2020, had been issued to the respondents 1 and 2 and on behalf of the second respondent reply legal notice dated 04.08.2020, was sent to the petitioner. By drawing the attention of this Court to the said reply notice, it is submitted by the learned counsel for the petitioner that even in the said reply notice, the second respondent would aver that he is putting up construction after obtaining necessary planning permission and in accordance with law and as such it is obligatory on the part of the first respondent to take immediate and necessary action to abate the illegalities caused by the second respondent.

4.In response, the learned Standing Counsel for the first respondent would submit that after causing inspection, necessary action will be taken in accordance with law.

5.Considering the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner either in his representation or in this Writ Petition, this Court, directs the first respondent to issue notice to the petitioner and the second respondent and cause inspection of the properties in T.S.No.423/4A and 423/1B2, Ward 2, Block 15, Karaikudi Town, Sivagangai District, and if the said official notices any infractions by both parties or either of the parties, shall take appropriate action in accordance with law and also by adhering to the principles of natural justice and communicate the decision to the petitioner as well as second respondent. The said exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. However, in the circumstances of the case, there shall be no order as to the costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



sj

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

The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

W.P. (MD)No.10616 of 2020

and

W.M.P. (MD) No.9353 of 2020

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