



WEB COPY

WP(MD)No.16001 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.16001 of 2020

V.Easwaran

: Petitioner

Vs.

- 1.The Commissioner,
Office of the Theni Allinagaram Municipality,
Theni,
Theni District.
- 2.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
- 3.The Commissioner of Municipal Administration,
Office of the Municipal Administration Department,
No.75, Santhome Highway, 10th Floor,
Raja Annamalaipuram,
Chennai - 28.
- 4.The District Collector,
Theni,
Theni District.
- 5.V.S.Sandeep

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent to initiate proceedings against the illegally constructed building of the 5th respondent as per Section 56 and 57 of the Town and Country Planning Act, 1971 in respect of Survey No.1695/1A, Door No.1369-D, situated at Allinagaram Village, Theni District, based on the petitioner's representation dated 12.08.2020 within the time fixed by this Court.

For Petitioner : Mr.V.Easwaran
Party-in-person

For Respondents 1 to 4 : Mrs.J.Padmavathi Devi
Special Government Pleader



ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus, directing the 1st Respondent to initiate proceedings against the illegal construction of the 5th respondent as per Sections 56 and 57 of the Town and Country Planning Act, 1971, in respect of Survey No.1695/1A, Door No.1369-D, situated at Allinagaram Village, Theni District, based on the petitioner's representation dated 12.08.2020, within a time frame.

2.Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondents 1 to 4.

3.According to the petitioner/party-in-person, without getting approval from the first respondent, the fifth respondent has put up a construction. In this regard, the petitioner has submitted a representation dated 12.08.2020 to the first respondent and so far no action has been taken on the said representation. Therefore, the petitioner has filed this Writ Petition.

4.Heard the petitioner/party-in-person and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials placed on record.

5.A perusal of the proceedings of the first respondent dated 29.04.2020, would reveal that the petitioner had already filed W.P. (MD) No.22003 of 2019 to cancel the levy of tax on the building constructed by the fifth respondent and the order of the learned Single Judge was set aside in W.A.(MD) No.1218 of 2019 and pursuant to that the first respondent has passed the speaking order on 24.03.2020, stating that it is not possible to cancel the levy of tax on the fifth respondent's property. Without challenging the said order, now the petitioner has come before this Court, without giving the details of the earlier proceedings, to take action against the fifth respondent. It is also stated that the petitioner and the fifth respondent are close relatives and because of the dispute between the close relatives, the present Writ Petition has been filed. Hence, the present Writ Petition fails and is liable to be dismissed.

6.Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

<https://hcservices.ecourts.gov.in/hcservices/>



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.

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To

- 1.The Commissioner,
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Theni District.
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PU (CO)

AP (03/12/2020) 3P 5C