

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 22.02.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
W.P.No.3690 of 2021

N.Senthilkumar

.. Petitioner

Versus

1.The Assistant Director of Town Panchayat,
Collectorate New Building,
Coimbatore 641 018.

2.The Block Development Officer,
Pollachi West, Pollachi.

3.The President,
Aachipatti Panchayat,
Pollachi Taluk 642 002.

4.Tmt.Deepa .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 and 3 to act upon the representation of the petitioner dated 12.12.2020 as well as that of the Sub-Collector, Pollachi in O.Mu.No:097/2021/A3 dated 21.01.2021 and consequently remove the illegal construction put up by the 4th respondent in B-15, Cheran Nagar, Kovai Road, Pollachi 640 002 and pass such further or other orders as it may deem fit under the facts and circumstances of the case.

For Petitioner : Mr.T.Gowthaman

For RR1 to 3 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

The petitioner claims to be the owner of the property bearing Door No.B-16, Cheran Nagar, Kovai Road, Pollachi 640 002 and according to him, the 4th respondent who is the adjacent owner, had a building in the western side of petitioner's property, bearing Door No.B-15, Cheran Nagar, Kovai Road, Pollachi 640 002 and despite obtaining Planning Permission bearing L.P./R (C.N) No.146/82 from the 2nd respondent to construct Ground + First Floor, he is deviating from the

construction and in that process also encroaching upon the petitioner's property and he has also violated the set back provisions.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to the communication of the Sub Collector, Pollachi, dated 21.01.2021 in O.Mu.No.097/2021/A3, addressed to the 2nd respondent, in and by which, a direction has been made to take appropriate action to address the grievance of the petitioner and despite that no headway is being made and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. This Court heard the submission of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3, who would submit that the 4th respondent is having the Planning Permission and necessary inspection would be caused with regard to the offending construction and if any infraction is noted, action would be initiated in accordance with law.

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

5. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the respondents 2 and 3 to put the petitioner as well as the 4th respondent on notice and cause inspection of the premises of the petitioner as well as the 4th respondent and if any infraction is noted, shall take immediate, necessary and appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken to the petitioner as well as to the 4th respondent.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The Tahsildar,
Sirkali Taluk,
Nagapattinam District.

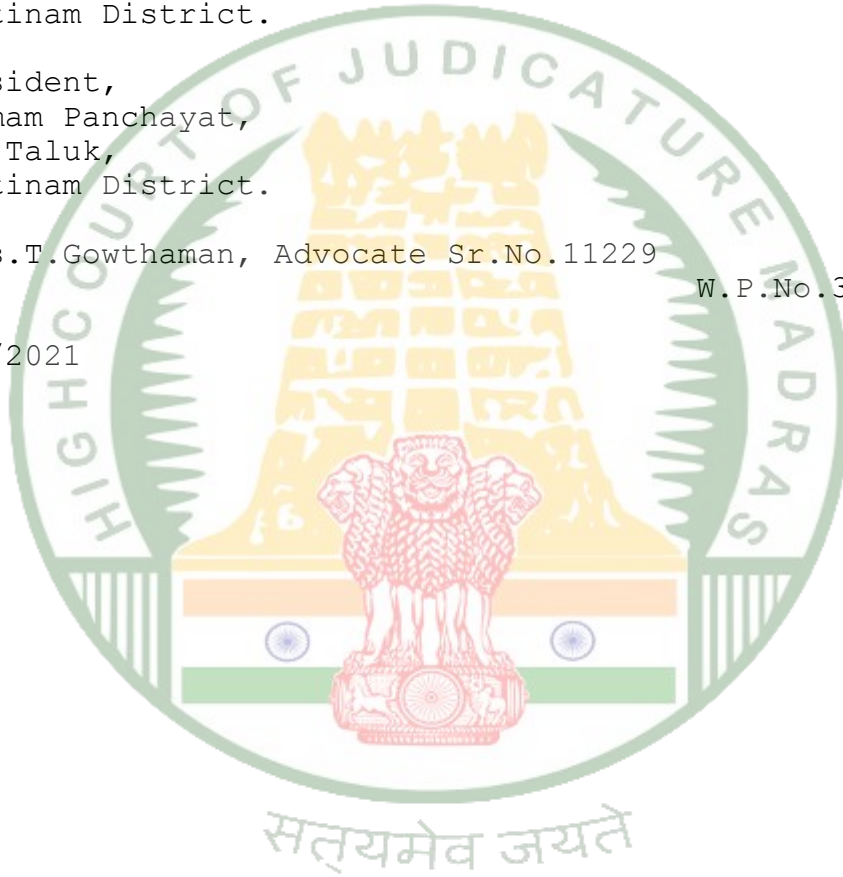
3.The Revenue Divisional Officer,
Mayiladuthurai,
Nagapattinam District.

4.The President,
Manigramam Panchayat,
Sirkali Taluk,
Nagapattinam District.

+cc to M/s.T.Gowthaman, Advocate Sr.No.11229

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AAB(CO)
baf 04/05/2021



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