

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.05.2021
CORAM
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
W.P.No.11752 of 2021
a n d
W.M.P.No.12514 of 2021

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Petitioner

Vs

1. The Assistant Director of
Town and Country Planning
Villupuram Region,
TADCO Building,
G.H.Road,
Villupuram 605 602.
2. The Executive Officer
Kotttakuppam Special Grade Town Panchayat
No.70/45 Ghandi Road
Kottakuppam, Vanur Taluk
Villupuram District 605 104.
3. Jagan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus to direct the first and second respondent to ensure the construction put up by the third respondent is in accordance with the building plan sanctioned and prohibit any further construction over my shop portion without any sanctioned plan and to remove any such construction put up by the third respondent at No.9/15, Old No.171, M.G.Road, Near Muthialpet Market, Kottakuppam, Vanur Taluk, Villupuram District.

For Petitioner : Mr.B.Divakaran
For Respondents : Mr.M.Elumalai
Additional Government Pleader
for R1 and R2.

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O R D E R

The prayer sought for herein is for a writ of mandamus, to direct the first and second respondent to direct the first and second respondent to ensure the construction put up by the third respondent is in accordance with the building plan sanctioned and prohibit any further construction over his shop portion without any sanctioned plan and to remove any such construction

put up by the third respondent at No.9/15, Old No.171, M.G.Road, Near Muthialpet Market, Kottakuppam, Vanur Taluk, Villupuram District.

2. It is the case of the petitioner that he is running a business at his business premises at No.9/15, Old No.171, M.G.Road, Kottakuppam, Vanur Taluk, Villupuram District.

3. While so, the neighbouring land owner, i.e., the third respondent, who is the owner of the land in No.11/15 M.G.Road, Near Muthialpet Market, Kottakuppam, Vanur Taluk, Villupuram District has started making some construction for expansion of his business. While making such construction, in violation of the building plan or without any building plan, he started the construction by occupying the land belong to the petitioner's also. Therefore, in order to prohibit the third respondent from making any such unlawful construction, the petitioner through his lawyer, has sent a representation dated 03.05.2021, to the respondents and since the same has not been considered, he has filed the present writ petition.

4. Heard Mr.B.Divakaran, learned counsel appearing for the petitioner, who having reiterated the aforesaid, seeks indulgence of this Court to issue a suitable direction to the respondents, especially the second respondent to decide the said representation on merits within a time frame.

5. Heard Mr.M.Elumalai, learned Additional Government Pleader appearing for the respondents 1 and 2 who would submit that, the said Advocate notice dated 03.05.2021, sent on behalf of the petitioner would be treated as representation of the petitioner and accordingly, the second respondent would enquire the matter by giving notice to the petitioner and third respondent and accordingly, decide the same on merits within a time frame that may be stipulated by this Court.

6. In view of the order that is going to be passed in this writ petition, notice to the third respondent is hereby dispensed with.

7. I have considered the said submission made by the learned counsel for the parties and have perused the materials placed.

8. Since the petitioner has expressed his grievance that, his land is also being occupied and there is an alleged illegal construction taken place at the behest of the third respondent, therefore, in order to prohibit the third respondent from making any alleged illegal or unauthorised construction, since the petitioner has given representation through his lawyer as stated

above, the same can very well be considered, after giving notice to both sides and pass orders within the time frame.

9. In view of the above, this Court is inclined to dispose of this writ petition with the following order:-

There shall be a direction to the second respondent, to consider the representation of the petitioner made through his lawyer, dated 03.05.2021 addressed to the respondents and decide the same on merits after giving opportunity of being heard to both the petitioner and third respondent and pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

mvs/tsvn

To

1. The Assistant Director of Town and Country Planning Villupuram Region, TADCO Building, G.H.Road, Villupuram 605 602.

2. The Executive Officer Kotttakuppam Special Grade Town Panchayat No.70/45 Ghandi Road Kottakuppam, Vanur Taluk Villupuram District 605 104.

+cc to Mr.B.Divakaran, Advocate, Sr.27206

W.P.No.11752 of 2021

SVI (CO)
baf 17/05/2021