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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.20787 OF 2021
AND
W.M.P.NO.22054 OF 2021

Elanchezhiyan

... Petitioner

Versus

1. The District Collector,
Office of the Collectorate,
First Floor,
Nagapattinam - 611 001.
2. The Town Country Planning Officer,
Building Inspector,
Municipality Office,
No.536, Public Office Road,
Nagapattinam - 611 001.
3. K.Yogapriya
4. K.Abinaya

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to stop the unlawful/unauthorized construction made by the respondents 3 and 4 at premises No.48, from Block No.20, Survey No.1967, Pinpandaka Salai, Second Kadarkarai, Nagapattinam District, by considering petitioner's representation dated 08.05.2021.

For petitioner : Mr.R.Thangamani

For respondents

For R1 : Mr.T.N.C.Kaushik

For R2 : Mr.P.Srinivas



ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

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The Writ Petition is heard through video conferencing.

2. The petitioner has come up with Writ Petition for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to stop the unlawful/unauthorized construction made by the respondents 3 and 4 at premises No.48, Block No.20, Survey No.1967, Pinpandaka Salai, Second Kadarkarai, Nagapattinam District.

3. The petitioner would state that he is residing at Door No.41, Keela Street, North Paalpancherry Village, Nagapattinam District for the past 25 years. The third and fourth respondents without getting proper planning permission from the second respondent is constructing building in the middle of the street, which prevents the petitioner's ingress and egress to his property. Hence, he made a representation to the official respondents, but no action has been taken so far.

4. Mr.P.Srinivas, learned Standing Counsel appearing for the second respondent would state that the Commissioner, Nagapattinam Municipality had already issued show cause notice to the respondents 3 and 4, but due to Covid-19 pandemic situation, no further action was taken. He would further state that the Commissioner, Nagapattinam Municipality will take appropriate action for the redressal of the grievance of the petitioner.

5. In the light of the statement of the learned Standing Counsel appearing for the second respondent, this Court, directs the Commissioner, Nagapattinam Municipality to take appropriate action on the basis of the representation of the petitioner dated 08.05.2021, in accordance with law, after affording ample opportunity to the necessary parties. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



pvs

To

1. The District Collector,
Office of the Collectorate,
First Floor,
Nagapattinam - 611 001.
2. The Commissioner,
Nagapattinam Municipality,
Nagapattinam.
3. The Town Country Planning Officer,
Building Inspector,
Municipality Office,
No.536, Public Office Road,
Nagapattinam - 611 001.

+1cc to Mr.R.Thangamani, Advocate, S.R.No.50333

W.P.NO.20787 OF 2021

AK-II(CO)
PBS/11/10/2021