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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.20197 of 2021

and

W.M.P.Nos.21462 and 21463 of 2021

C.Kailasam

...Petitioner

Vs.

1. District Collector
Dharmapuri District
Dharmapuri.
2. The Deputy Director of Town
and Country Planning,
83, Pidamaneri Road,
Appavu Nagar,
Dharmapuri District.
3. The Executive Officer
Selection Grade Town Panchayat,
Harur 636 903,
Dharmapuri District.
4. The Tahsildar
Harur Taluk,
Harur 636 903,
Dharmapuri District.
5. H.R.Marikkannu

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings D.Dis.475/2021/B1 dated 11 April 2021 of the fourth respondent and quash the same and consequently, direct the respondents 1 to 4 to demolish the



Sri Ranganathar Thirumana Mandapam built on Survey Nos.7/3A and 7/3B to the extent of 6000 sq.ft. in Mettupatti Village of Harur Town Panchayat and Taluk, Dharmapuri District.

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For the Petitioner : Mr.Vedhavel S
For the Respondents : Mr.P.Muthukumar
State Govt. Pleader
for RR 1 to 4.

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner complains that in violation of the approved layout for the relevant area, the fifth respondent has constructed a marriage hall at a place earmarked for the construction of residential houses in Mettupatti village, Harur Taluk in Dharmapuri District.

2. Mr.P.Muthukumar, learned State Government Pleader, takes notice on behalf of the respondent Nos.1 to 4. According to him, the Executive Officer of the Harur Town Panchayat would be the appropriate authority to look into the grievance.

3. Accordingly, W.P.No.20197 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation in respect of the matters complained of to the third respondent Executive Officer and also to the Block Development Officer, Harur, for such officials to conduct an inquiry in accordance with law upon notice to the fifth respondent herein to ascertain whether there is any violation of any law. If the marriage hall is found to be unlawfully constructed, immediate appropriate steps should be taken in accordance with law upon notice to the fifth respondent.

4. It is made clear that the allegations levelled by the petitioner have not been gone into. Further, since the concerned officials have been required to give notice to the fifth respondent before conducting any inquiry, no previous service of the petition has been required. The petitioner should, however, immediately forward copies of the petition and this order to the fifth respondent.

5. The third respondent Executive Officer should communicate a reasoned decision on the petitioner's representation within twelve weeks of the receipt thereof.



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There will be no order as to costs. WMP Nos.21462 and 21463 of 2021 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To:

1. District Collector
Dharmapuri District
Dharmapuri.
2. The Deputy Director of Town
and Country Planning,
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4. The Tahsildar
Harur Taluk,
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Dharmapuri District.

+1 CC to M/s.K.Sathivel, Advocate, Sr.No. 48639.

+1 CC to The Government Pleader, Sr.No. 49088.

W.P.No.20197 of 2021

KCM(CO)
LS(27/09/2021)