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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM:

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

W.P.No.19541 of 2021
and
WMP.Nos.20822 and 20823

1.S.Arul Subramaniyan
2.M.Anantharaman
3.R.K.Stalin

... Petitioners

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.

2. The Block Development Officer,
Kurinchipadi Union,
Cuddalore District.

3. The President,
Vadakuthu Panchayat, Kurinchipadi Union,
Cuddalore District.

4. K.Sarangapani

5. S.G.Ajithkumar
TVC Electronics and Furniture (Godown),
Anna Salai, Thillai Nagar, Gandhi Nagar Post,
Kurinchipadi Taluk, Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the construction made by the 4th and 5th respondents in the plot which is allotted for construction of community hall as per the DTCP approved plan No.299/1998, in S.No.15/1 of vadakuthu Village, Kurinchipadi Taluk, Cuddalore District and restore the original position as community hall.

For petitioners : Mr.V.Regunathan



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For respondents : Mr.TNC.Kaushik
Govt Counsel for R1

Mr.V.Manoharan
Government Advocate for R2 & R3

Mr.S.Indrajith for R4 & R5

ORDER

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

This Writ Petition is filed seeking for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the construction made by the respondents 4 and 5 in the plot which is allotted for construction of community hall .

2. The learned counsel appearing for the petitioners would state that while granting planning permission, the Director, Town and Country Planning in his proceeding dated 12.06.1998, allotted place for construction of community hall. He further added that the respondents 4 and 5 who have encroached the land is now putting up construction. Hence, the petitioners made a representation to the respondents and it would suffice if a direction is issued to the second respondent to consider the grievance of the petitioners.

3. Mr.V.Manoharan, learned Government Advocate appearing for the respondents 2 and 3 would state that he is ready to pass orders on the representation of the petitioners.

4. Mr.S.Indrajith, learned counsel appearing for the respondents 4 & 5 submits that the respondents 4 and 5 are the purchasers of the land in dispute and they are putting up construction after obtaining planning permission from the authority. It is the submission of the learned counsel that it is a private land and the petitioners have no right to object the construction put up by them.

5. This Court, without going into the rival contentions, hereby directs the second respondent to take appropriate action on the representation of the petitioners dated 29.07.2021 and pass orders in accordance with law and after affording opportunity to the petitioners as well as to the respondents 4 and 5. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.



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

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Block Development Officer,
Kurinchipadi Union,
Cuddalore District.
3. The President,
Vadakuthu Panchayat, Kurinchipadi Union,
Cuddalore District.

+4ccs to M/s.Indrajith, Advocate, S.R.No.50930

+1cc to Mr.Regunathan, Advocate, S.R.No.50317

+1cc to the Government Pleader, S.R.No.50861

W.P.No.19541 of 2021

MG (CO)
SU(08/10/2021)