



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM:

WEB COPY

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.(MD) No.3525 of 2021

Atchayan

... Petitioner

-vs-

1.The District Collector,
Collectorate Building,
Dindigul District.

2.Amutha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to consider his representation dated 06.11.2020 to remove of unauthorized construction which situated at survey No.483/28 Kongapatti village, Ethilode post, Nilacottai Taluk, Dindugal District.

For Petitioner : Mr.Moorthy.S.

For Respondents : Mr.Shanmugaselvam
Additional Government Pleader for R1

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

This is a petition alleging unauthorized construction and seeking removal thereof.

2. The petitioner will make a detailed representation to the Block Development Officer exercising jurisdiction over the area where the present illegal construction is perceived to be made or about to come up. Such representation should be made within four weeks from the date.

3. Upon receipt of such representation of the petitioner, the concerned Block Development Officer will look into the allegations and take appropriate measures in accordance with law



after affording an opportunity of hearing to the persons likely to be affected by his decision. The decision of the Block Development Officer should be communicated to the petitioner within six weeks of the receipt of the representation.

4. In the event the petitioner is dissatisfied with the action taken by the Block Development Officer or the decision communicated to the petitioner, the petitioner will be entitled to seek further remedies in accordance with law, but not by way of public interest litigation and upon establishing the petitioner's *locus standi*.

5. The respondents, including the relevant Block Development Officer, are reminded that no encroachment should be allowed on any Government land or waterbody and there should not be any kind of illegal construction attempted to be put up without due permission or sanction from the local authorities.

6. W.P.(MD) No.3525 of 2021 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

KRK/SSL

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The District Collector,
Collectorate Building,
Dindigul District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-7332[F] dated 25/02/2021)

Order made in
W.P. (MD) No.3525 of 2021
24.02.2021

KUN (CO)

SRS (03/03/2021) 2P : 3C

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