



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM :

WEB COPY

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The Hon'ble Mrs JUSTICE R.HEMALATHA

W.P. (MD)No.4516 of 2021

and

W.M.P (MD)No.3624 of 2021

M.Annadurai Chettiar

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Commissioner,
Sivagangai Municipality,
Municipality Office,
Sivagangai.

3.The Deputy Director of Town and Country Planning,
Sivagangai Region,
No.430, Gandhi Veedhi,
Sivagangai.

4.Karpooram Chettiyar

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 2 and 3 to prevent the unauthorised construction undertaken by the 4th respondent by considering the petitioner's representation dated 15.12.2020 within the time that may be stipulated by this Court.

For Petitioner

: Mr.M.Mahabbo Athiff,
for M/s.Ajmal Associates

For Respondent
Nos. 1 to 3

: Mr.Ka.Mu.Muthu,
Additional Government Pleader

ORDER

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

The petitioner perceives that the fourth respondent has embarked on an illegal construction project at Door No.59, Judge Rajasekaran Road, Varasandai Road, Sivagangai.

<https://hcservices.mca.gov.in/hcservices/>



2. Without going into the merits of the grievance or the validity thereof, the petitioner is permitted to make a written representation to the second respondent Commissioner within a fortnight from date, whereupon the second respondent will consider the matter upon affording an opportunity of hearing to all concerned, including the fourth respondent. The speaking order of the second respondent in such regard must be communicated to all concerned within eight weeks of receipt of the written representation.

3. It is made clear that merely because the second respondent has been directed to consider the representation does not imply that the Court accepts that the construction commenced by the fourth respondent is illegal. It is also made clear that no illegal construction can be made and the appropriate authorities must ensure that every construction is commenced only upon obtaining due licence or permission therefor in accordance with law.

4. In the event the petitioner is not satisfied with the action taken or the decision of the second respondent Commissioner, the petitioner will be entitled to institute appropriate proceedings otherwise than by way of a public interest litigation, and upon establishing his *locus standi*.

5. W.P.(MD)No.4516 of 2021 is disposed of without any order as to costs. Consequently, W.M.P(MD)No.4516 of 2021 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL/DSK

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:

1. The District Collector,
Sivagangai District,
Sivagangai.



2.The Commissioner,
Sivagangai Municipality,
Municipality Office,
Sivagangai.

3.The Deputy Director of Town and Country Planning,
Sivagangai Region,
No.430, Gandhi Veedhi,
Sivagangai.

Order made in
W.P. (MD)No.4516 of 2021 and
W.M.P (MD)No.3624 of 2021
04.03.2021

TP (CO)
SRS (11/03/2021) 3P : 4C