



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10381 of 2021

and

W.M.P.[MD]No.8067 of 2021

G.Palani Kumarasamy

... Petitioner

Vs.

1.The Secretary to Government,
The Housing and Urban Development Authority,
Namaskkal Kavinzar Malligai,
No.1, Gandhi-Irwin Road,
3rd Floor, Secretariat,
Chennai-600 009.

2.The Director,
Directorate of Town and Country Planning,
Chennai.

3.The District Collector,
Thoothukudi District,
Thoothukudi.

4.The Assistant Director,
Local Planning Authority,
Thoothukudi District.

5.A.Thangavel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to cancel the approval for constructing the building in Survey No.350-2B at Pudurpandiayapuram, Ettayapuram Road, Thoothukudi District and consequently take action against the fifth respondent for illegal construction of school within the time limit that may be stipulated by this Court.

For Petitioner : Mrs.M.Shobana

For R1 to R4 : Mr.A.K.Manickam

Standing Counsel for Government

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.



2.Heard Mrs.M.Shobana, learned Counsel appearing for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 1 to 4.

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3.In the light of the orders we propose to pass in this writ petition, notice to the fifth respondent is dispensed with.

4.The petitioner, by way of this writ petition seeks for action against the fifth respondent alleging that the construction being put up by the fifth respondent for a school building is in violation of all the norms. In this regard, representations have been given by the petitioner on 18.02.2021, to all the official respondents and since no action has been initiated, the petitioner is before this Court. To be noted that the petitioner is a former Village Administrative Officer of the very same village where this construction is going on and he has now retired from service.

5.Be that as it may, if the representation is considered alleging that construction is being effected in violation of the settled norms, then the authorities should look into the matter. However, since we are disposing of the writ petition without notice to the fifth respondent, we are not inclined to issue any positive direction, nevertheless, the fourth respondent is required to take note of the representation and act in accordance with law.

6.For the above reasons, the Writ Petition is disposed of, directing the fourth respondent to cause a surprise inspection of the site in question, examine whether any of the violations as alleged by the petitioner has been committed by the fifth respondent and if so, immediate and appropriate action shall be initiated under the relevant statute. This order be complied with within a period of two [2] weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR



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.

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To

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+1 CC to M/s.M.PANDIAN, Advocate (SR-20001[F] dated 23/06/2021)

+1 CC to M/s.SPL GP (SR-20168[F] dated 24/06/2021)

W.P.[MD]No.10381 of 2021
22.06.2021

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