



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.11033 of 2020

and W.M.P.(MD) No.9677 of 2020

Ammaiyappan

.. Petitioner

Vs

1.The Commissioner,
Aranthangi Municipality,
Aranthangi Town & Taluk,
Pudukkottai District.

2.M.Raja

3.Nadiyammal

4.Ravi @ Ravichandran

5.The District Collector,
Pudukkottai District,
Pudukkottai.

6.The Assistant Commissioner,
HR & CE Department,
Pudukkottai District.

7.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police Office,
Aranthangi,
Pudukkottai District.

8.Mr.Balamurugan,
Then DSP,
Aranthangi, Pudukkottai District,
At present DSP,
Thanjavur District.

... Respondents

(R5 to R8 impleaded vide order dated
27.07.2021 made in W.M.P.(MD) No.5385
of 2021 by TSSJ and SAIJ)

PRAYER: Petition under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus, directing the 1st



respondent to take action U/s. 216 of Tamil Nadu District Municipalities Act, 1920 and to remove the unauthorized construction made by the respondents 2 to 4 and also initiate prosecution U/s. 317 of Tamil Nadu District Municipalities Act, 1920 for the illegal and unauthorized construction made by the respondents 2 to 4 in the temple property in Town S.F.No.16/43, Aranthangi Town and Taluk, Pudukkottai District by considering the petitioner's representation dated 13.08.2020.

(Prayer amended vide order dated 27.07.2021

made in W.M.P.(MD) No.5389 of 2021 by
TSSJ & SAIJ)

For Petitioner	: Mr.K.Baalasundharam
For Respondents	: Mr.P.Mahendran, Standing Counsel for R1 Mr.Ramesh Kumar for R2 Mr.N.Balakrishnan for R3 and R4 Mr.R.Baskaran Standing Counsel for Government For R5 to R7

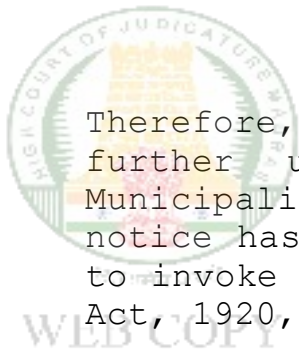
ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.K.Baalasundharam, learned counsel for the petitioner, Mr.P.Mahendran, learned Standing Counsel for respondent No.1, Mr.D.Ramesh Kumar, learned counsel for Respondent No.2, Mr.N.Balakrishnan, learned counsel for Respondent Nos.3 and 4 and Mr.R.Baskaran, learned Standing Counsel for Government, appearing for respondent Nos.5 to 7.

2.This Writ Petition has been filed seeking for a direction upon the 1st respondent to take action U/s. 216 of Tamil Nadu District Municipalities Act, 1920 and to remove the unauthorized construction made by the respondents 2 to 4 and also initiate prosecution U/s. 317 of Tamil Nadu District Municipalities Act, 1920 for the illegal and unauthorized construction made by the respondents 2 to 4 in the temple property in Town S.F.No.16/43, Aranthangi Town and Taluk, Pudukkottai District.

3.Though disputes have been raised by respondent Nos.2 to 4 as to who is the owner of the property, in this Writ Petition we are not concerned with that and we are concerned only with the unauthorized construction. Pursuant to the directions issued by this Court in Contempt Petition (MD) No.722 of 2021, dated 15.07.2021, it has been found that there is unauthorized construction and now the building is under lock and seal.



Therefore, we direct the first respondent Municipality to proceed further under the provisions of the Tamil Nadu District Municipalities Act, 1920. Since it is represented that already notice has been issued, we leave it open to respondent Nos.2 to 4 to invoke the provisions of the Tamil Nadu District Municipalities Act, 1920, if it provide for a remedy for them.

4.The Writ Petition stands disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
Pudukkottai District,
Pudukkottai.

2.The Assistant Commissioner,
HR & CE Department,
Pudukkottai District.

3.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police Office,
Aranthangi,
Pudukkottai District.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-24153[F] dated 28/07/2021)

W.P. (MD) No.11033 of 2020
27.07.2021

SB(26.08.2021) 3P 5C