



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.12031 of 2021

V.Durai Raj

.. Petitioner

Vs

- 1.The Commissioner,
Dindigul Corporation,
Dindigul.
- 2.The Member Secretary,
Dindigul Local Planning Authority,
Door No.14, Vivekananda Nagar,
Dindigul - 624 001.
- 3.The Executive Engineer & Administrative Officer,
Tamilnadu Housing Board,
Madurai Housing Unit (Office), Ellis Nagar,
Madurai.
- 4.A.Robert Raja

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to remove the unauthorized construction put up by the 4th respondent based on the representation of the petitioner dated 12.04.2021.

For Petitioner

: Mr.S.Sarvagan Prabhu

For Respondents

: Mr.J.Lawrance
Standing Counsel for R1
Mr.R.Baskaran
Standing Counsel for
Government
For R2 and R3

O R D E R

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

Heard Mr.S.Saravagan Prabhu, learned counsel for the petitioner, Mr.J.Lawrance, learned Standing Counsel for respondent No.1 and Mr.R.Baskaran, learned Standing Counsel for Government,

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appearing for respondent Nos.2 and 3. Notice to fourth respondent is dispensed with in view of the order we proposed to pass in this Writ Petition.

2.This Writ Petition has been filed for a direction upon respondent Nos.1 to 3 to remove the unauthorized construction put up by respondent No.4 in the common area.

3.The plots have been promoted by the Tamil Nadu Housing Board and sold to various purchasers and petitioner is also one of the purchaser of a plot in the very same housing unit by sale deed dated 22.06.2011. The petitioner's wife has also purchased a property by sale deed dated 12.09.2012. According to the petitioner, the fourth respondent has put up an unauthorized construction in the common area and also converted the ground floor plot into a commercial establishment. In this regard, the petitioner has given a representation, which has been taken note of by the second respondent and by memorandum dated 14.06.2021, the same has been forwarded to the first respondent Corporation for appropriate action. Even on an earlier occasion, the Commissioner of Dindigul Corporation has informed the petitioner by communication dated 25.05.2021, in Na.Ka.No.3044/F3 that action is being initiated as against the fourth respondent.

4.In all probability, because of the COVID - 19 pandemic situation, the Corporation has not taken any action. Now, the lock down restrictions have been relaxed. Therefore, we direct the first respondent to proceed further as informed by him in the communication dated 25.05.2021, issue notice to the fourth respondent and thereafter, take action in accordance with law. This direction be complied with within a period of four weeks from the date of receipt of a copy of this order.

5.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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.

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To

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Dindigul.

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3.The Executive Engineer & Administrative Officer,
Tamilnadu Housing Board,
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Madurai.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-23285[F] dated
20/07/2021)

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19.07.2021

CM(CO)

LR (09.08.2021) 3P 5C