



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

and

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.12989 of 2021

K.M.Mohaideen Abdul Kadhar

...Petitioner

-vs-

1.The Director of Town and Country Plan
No.807, Annasalai
Chennai-02

2.District Collector
Tuticorin Collector
Tuticorin

3.The Member Secretary
Thoothukudi Local Planning Authority
No.51 West Car Street, Thoothukudi

4.Municipal Commissioner
Kayalpattinam Municipality
Kayalpattinam, Tuticorin District

5.Thoothukudi Municipal Corporation
through its Commissioner
Thoothukudi

6.Revenue Divisional Officer
Thiruchendur Taluk Office
Thiruchendur

7.The Thasildhar
Thiruchendur Taluk Office
Thiruchendur

8.A.H.Asiya Begam

9.M.Y.Abdul Hameed

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent Nos.1 to 7 to initiate proceedings under Town & Country Planning Act 1971 against the unauthorised building construction of the eighth



respondent in respect of Survey No.468/1A in Door No.29/3A1, Small Nesavu Street, Kayalpattinam, Tuticorin District, based on petitioner's representation dated 11.03.2021, within the time stipulated by this Court.

WEB COPY

For Petitioner : Mr.Chakkaravarthy.S.J.
For Respondents : Mr.A.K.Manickam
Government Counsel
for R1 to R3, R6 & R7

O R D E R

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

The petitioner complains of perceived unauthorised construction of a building by the eighth respondent at Survey No.468/1A in Door No.29/3A1, Small Nesavu Street, Kayalpattinam, Tuticorin District.

2. The petitioner says that despite a written representation made on March 11, 2021, the respondent authorities have turned a blind eye to the illegality.

3. Mr.A.K.Manickam, learned Government Counsel, takes notice on behalf of the respondents 1 to 3, 6 and 7. Mr.A.K.Manickam submits that the third respondent would be the appropriate authority to consider the relevant representation.

4. Accordingly, the petitioner is permitted to carry a detailed fresh representation to the third respondent within two weeks of the receipt of a copy of this order whereupon the third respondent will act in accordance with law and inquire into the matter upon affording an opportunity of hearing to both the petitioner and the private respondents. The third respondent will pass a reasoned order within eight weeks of the receipt of the petitioner's fresh representation.

5. Since no view is taken on the merits of the petitioner's complaint and the third respondent has been directed to afford the private respondents an opportunity of hearing before passing any order or taking any precipitous action, this petition is disposed of without previous notice to the private respondents.

6. W.P.(MD) No.12989 of 2021 is disposed of.



7. There will be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

krk / pkn

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 Director of Town and Country Plan,
No.807, Annasalai,
Chennai-02.

2.District Collector,
Tuticorin Collector,
Tuticorin.

3.The Member Secretary,
Thoothukudi Local Planning Authority,
No.51 West Car Street, Thoothukudi.

4.Revenue Divisional Officer,
Thiruchendur Taluk Office,
Thiruchendur.

5.The Thasildhar,
Thiruchendur Taluk Office,
Thiruchendur.

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-24696[F] dated 30/07/2021)

+1 CC to M/s.GP (SR-24936[F] dated 02/08/2021)

W.P. (MD) No.12989 of 2021

29.07.2021

SJ(CO)

LR (06.08.2021) 3P 8C