



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.22867 of 2019

and

W.M.P. (MD)Nos.19613 and 19614 of 2019

1.Sivasangar, S/o.Lasar

2.Murugappan, S/o.Arunachallam

... Petitioners

Vs.

1.The District Collector,
The District Collector Office,
Pudukkottai,
Pudukkottai District.

2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai Town and Taluk,
Pudukkottai District.

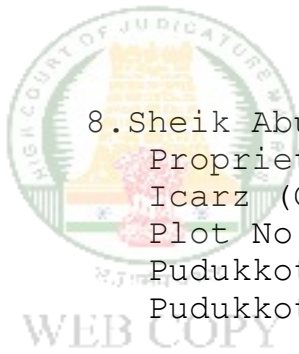
3.The Environmental Engineer,
Pollution Control Board,
Pudukkottai Town and Taluk,
Pudukkottai District.

4.The Superintending Engineer,
TANGEDCO,
Pudukkottai Town and Taluk,
Pudukkottai District.

5.The Executive Engineer,
TANGEDCO,
Pudukkottai Town and Taluk,
Pudukkottai District.

6.The Junior Executive Engineer,
TANGEDCO,
Pudukkotai Town and Taluk,
Pudukkottai District.

7.Rajakumari,
Proprietor,
Gujappa Cars Service Centre,
Plot No.1, Maraimalai Nagar West,
Pudukkottai Town and Taluk,
Pudukkottai District.



8.Sheik Abupakkar,
Proprietor,
Icarz (Care Care) Cars Service Centre,
Plot No.2, Maraimalai Nagar West,
Pudukkottai Town and Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to initiate action under Sections 182 and 216 of the Tamil Nadu District Municipalities Act, 1920.

For Petitioners	:	Mr.K.Baalasundharam
For R1	:	Mr.N.Shanmugaselvam Additional Government Pleader
For R2	:	Mr.P.Mahendran Standing Counsel
For R3	:	Mr.V.Vasanthakumar
For R4 to R6	:	Mr.S.M.S.Johny Basha
For R7	:	Mr.AR.L.Sundaresan Senior Counsel for Ms.AL.Gandhimathi
For R8	:	Mr.M.Ajmalkhan Senior Counsel for M/s.Ajmal Associates

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioners' grievance is two fold. One is with respect to encroachment and the other one is with respect to unauthorized construction.

2.On the encroachment alleged to have been made, the learned Standing Counsel appearing for the respondent Corporation submitted that the encroachment has been removed and the premises has been sealed.

3.In view of the above said two actions, nothing survives for further adjudication in this Writ Petition. However, the learned Senior Counsel appearing for respondent No.8 submitted that when respondent No.8 has approached the Local Planning Authority, he undertakes that no further construction would be made nor any activity would take place. However, demolition will have to be permitted, for which, the lock and seal will have to be removed and alternatively, the building will have to be altered in terms of the approval to be granted.

4.As on today, there is no approval. With respect to the allegations of encroachment, the same having been removed as per the

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statement made by the learned Standing Counsel appearing for the respondent Corporation and therefore, no further action is required. With respect to the other issue, we take note of the submission of the learned Senior Counsel appearing for respondent No.8 that the application for building plan approval has been made only yesterday before the Local Planning Authority.

5.In such view of the matter, we call upon the Local Planning Authority concerned to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Based on the said order, respondent No.8 can approach respondent No.2. Respondent No.2 is expected to pass orders upon the same.

6.This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2

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,
The District Collector Office,
Pudukkottai,
Pudukkottai District.
- 2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai Town and Taluk,
Pudukkottai District.
- 3.The Environmental Engineer,
Pollution Control Board,
Pudukkottai Town and Taluk,
Pudukkottai District.



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6.The Junior Executive Engineer,
TANGEDCO,
Pudukkotai Town and Taluk,
Pudukkottai District.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-13830[F] dated 26/03/2021)

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-13853[F] dated 26/03/2021)

+1 CC to M/s.C.KASI RAJAN, Advocate (SR-13953[F] dated 26/03/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-14211[F] dated 29/03/2021)

W.P. (MD) No.22867 of 2019
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TP (CO)
KB (23.04.2021) 4P 11C