



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.21992 of 2021

and W.M.P.(MD) No.18604 of 2021

WEB COPY

N.Raman

... Petitioner

Vs.

1.The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

2.N.Venkatraman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st Respondent to take action against the 2nd respondent unauthorized construction in TA No.318/A3 of Ayekulam Road, Kumbakonam at Thanjavur District based on the representation of the petitioner dated 22.06.2021.

For Petitioner : Mr.S.Ramsundarvijayaraj
For Respondent No.1 : Mr.R.Rajarajan
Standing Counsel

O R D E R

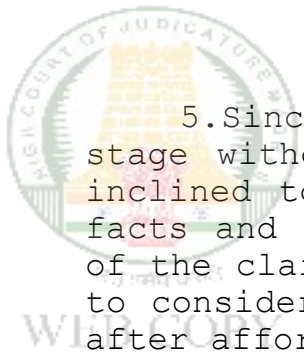
(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the 1st Respondent to take action against the 2nd respondent for un-authorized construction in T.S.No.318/A3 of Ayekulam Road, Kumbakonam at Thanjavur District, based on his representation, dated 22.06.2021.

2.Mr.R.Rajarajan, learned Standing Counsel, accepts notice on behalf of the first respondent. In view of the order we propose to pass hereunder, protecting the interest of the second respondent also, notice to second respondent is dispensed with.

3.By consent, this Writ Petition itself is taken up for final disposal at the time of admission.

4.The grievance of the petitioner is that the second respondent is constructing a shed and wall to the extent of 3.8 x 1.0 meters without any permission from the first respondent.



5.Since we are disposing of the Writ Petition at the admission stage without issuing notice to the second respondent, we are not inclined to issue any positive direction. However, considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, we direct the first respondent to consider the representation of the petitioner, dated 22.06.2021, after affording an opportunity of personal hearing to the petitioner and the second respondent, and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6.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:-

The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-38254[F] dated 10/12/2021)

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-38459[F]
dated 13/12/2021)

W.P(MD)No.21992 of 2021
10.12.2021

NSN(CO)

GC(20.12.2021) 2P 4C