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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.6259 OF 2022

AND

W.M.P.NO.6331 OF 2022

G.Anandaiah

... Petitioner

.Vs.

1. The District Collector,
Tiruvallur District,
Tiruvallur - 602 001.

2. The Assistant Block Development Officer,
Block Development Office,
Tiruvallur Panchayat Union,
Tiruvallur - 602 003.

3. The Tashildar,
Tiruvallur Taluk,
Tiruvallur District - 602 003.

4. R.Amaravathy

... 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 consider the petitioner's representation dated 22.09.2021, consequently to initiate suitable action against unauthorized construction of 4th respondent's building which is situated at Plot No.9, Kabilar Street, Poonga Nagar, Kakkalur Village, Tiruvallur Taluk and District - 602 003.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader
For R1 and R3



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Mr.S.Ravichandran
Additional Government Pleader
For R2

ORDER

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

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 22.09.2021 with a consequential direction to initiate suitable action against unauthorized construction of 4th respondent's building which is situated at Plot No.9, Kabilar Street, Poonga Nagar, Kakkalur Village, Tiruvallur Taluk and District 602 003.

2. Learned Counsel appearing for the petitioner would submit that the 4th respondent has filed a civil suit in O.S.No.8 of 2018 before the learned District Munsif, Tiruvallur against the petitioner seeking an order of mandatory injunction to demolish the construction in the 'B' Schedule property as encroached by the petitioner in his first floor open space by raising construction without getting any planning permission from the competent authority. Therefore, the petitioner has come to this Court. In support of his contention, the learned Counsel for the petitioner has also brought to our notice a reply given under the RTI Act dated 30.12.2020 that shows that the 4th respondent appears to have put up construction without valid permission.

3. Mr.K.V.Sajeev Kumar, learned Special Government Pleader takes notice for respondents 1 and 3 and Mr.S.Ravichandran, learned Additional Government Pleader takes notice for 2nd respondent.

4. Learned Special Government Pleader submitted that it is a personal fight between the petitioner and his neighbours. When the 4th respondent has filed a civil suit against the petitioner for mandatory injunction to remove the unauthorized construction encroaching upon her property, the petitioner has come to this Court with this Writ Petition.

5. We find some merits on the submissions of the learned Special Government Pleader for the respondents 1 and 3. The reasons being that even a perusal of the paragraph 5 of the plaint in O.S.No.8 of 2018 before the District Munsif, Tiruvallur clearly shows that the petitioner appears to have encroached into the 4th respondent's land. Secondly, in the present case, the petitioner appears to have come to this Court with unclean hands as the civil suit is pending against him



filed by the 4th respondent even from 2018. Thirdly, when the petitioner has filed a written statement in that suit that copy of the written statement has not been filed before this Court. Without even disclosing the fact that whether he has put up a construction by filing a copy of the written statement before this Court he has approached this Court with unclean hands. Therefore, we find no merits in the present Writ Petition.

6. In the result, the Writ Petition is dismissed with a costs of Rs.10,000/- (Rupees Ten Thousand Only) to be payable by the petitioner to the Madras High Court Advocate Clerks' Welfare Association within a period of four weeks from today. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The District Collector,
Tiruvallur District,
Tiruvallur - 602 001.
2. The Assistant Block Development Officer,
Block Development Office,
Tiruvallur Panchayat Union,
Tiruvallur - 602 003.
3. The Tashildar,
Tiruvallur Taluk,
Tiruvallur District - 602 003.

Copy To:-

The Madras High Court,
Advocate Clerki Welfare Association,
High Court, Madras.

+1cc to Mr.P.Saravanan, Advocate, S.R.No.19261
+1cc to the Government Pleader, S.R.No.19140

W.P.NO.6259 OF 2022

MT(CO)
PBS/08/04/2022