

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.04.2022
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.8828 of 2022 and W.M.P. No.8669 of 2022

V.Viji ...Petitioner

vs

1.The District Collector,
Thiruvallur,
Thiruvallur District.

2.The Thasildar,
Thiruvallur Taluk,
Thiruvallur District.

3.The Block Development Officer,
Poondi Block,
Thiruvallur District.

4.Chitra

5.Kumoh EMS India Private Limited,
rep. by its Director

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent to consider and dispose the representation dated 17.02.2022 issued by the petitioner herein to stop the illegal construction of the fifth respondent.

For Petitioner : Mr.Manoharan for
Mr.G.Sivakumar

For Respondents : Mr.K.Karthik Jaganathan,
Government Advocate
for R1 and R2
Mr.M.Muthusamy,
Government Advocate for R3 & R4

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court seeking a direction to the District Collector, Thiruvallur, the first respondent herein to consider and dispose of his representation dated 17.02.2022 to stop the illegal construction of the fifth respondent.

2.Learned counsel appearing for the petitioner submitted that the petitioner is a Counsellor of Poondi and Thiruper Panchayat Union. Since the fifth respondent has started making construction, without obtaining proper planning permission from the competent authority, the petitioner sent a RTI application on 07.01.2022 to the Block Development Officer, Poondi Block, Thiruvallur District, the third respondent herein. On receipt of the same, the third respondent initiated a proceeding dated 10.01.2022 seeking clarification regarding permission or approval. After coming to know that the fifth respondent sent an explanation letter dated 22.02.2022 to the third respondent stating that they have purchased the property and started construction and they themselves admitted that they will produce necessary documents before the third respondent for getting approval and permission, the petitioner sent a representation dated 17.02.2022 to the first respondent to take immediate action as against the illegal construction.

3.At this stage, learned Government Advocate appearing for respondents 1 and 2 submitted that the petitioner has come to this Court pre-maturely because already notice has been issued to the fifth respondent seeking approved plan and finding no response, a reminder also has been sent to them, but, the fifth respondent neither appeared nor replied. Therefore, lock and seal notice is going to be issued in a week's time.

4.Recording the submission made by learned Government Advocate appearing for respondents 1 and 2 that the third respondent would issue lock and seal notice to the fifth respondent, this writ petition stands disposed of granting liberty to the competent authority to proceed in the manner known to law. Consequently, W.M.P. No.8669 of 2022 stands closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Thiruvallur,
Thiruvallur District.

2.The Thasildar,
Thiruvallur Taluk,
Thiruvallur District.

3.The Block Development Officer,
Poondi Block,
Thiruvallur District.

+2 Ccs to Mr.G.Sivakumar, Advocate sr 25466
+2 Ccs to Mr.M.Muthusamy, Advocate sr 25715
+1 CC to The Special Government Pleader sr 26174.

W.P.No.8828 of 2022 and W.M.P. No.8669 of 2022

SKM(CO)
SP(28/04/2022)