



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.14926 of 2022
and
W.M.P.No.14148 of 2022

N.Ganesan

.. Petitioner

Vs

- 1 The District Collector
Collectorate, Salem.
- 2 The Deputy Director
Directorate of Town and Country Planning
Salem Region, Soornamangalam
Salem.
- 3 The Block Development Officer
Block Development Office
Gangavalli Taluk
Salem District.
- 4 The President
Panchyat Office
Manmalai Village
Gangavalli Taluk, Salem District.

5 M.Ramakrishnan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing respondents 1 to 4 to take appropriate action for demolition of the unauthorized commercial construction of the 5th respondent premises which is situated in S.No.104/1, Manmalai Village, Gangavalli Taluk, Salem District based on the petitioner's representation dated 14.03.2022.

For the Petitioner : Mr.A.Rajakumar



WEB COPY

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 3

: Mr.V.R.Kamalanathan
for 5th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition has been filed to seek a direction on respondents 1 to 4 to take appropriate action against the unauthorised commercial construction raised by the fifth respondent. The construction is alleged to be without prior approval of the competent authority, which includes the Block Development Officer.

2. Learned counsel appearing for the fifth respondent so as learned State Government Pleader submit that necessary approval has been obtained by the fifth respondent from the competent authority for raising the construction. A copy of such approval has been supplied to the court during the course of the argument, with a copy to learned counsel for the petitioner.

3. Learned counsel for the petitioner could not refer to a provision which stipulates that apart from obtaining the approval from the competent authority, the approval of the Block Development Officer is mandatory.

4. In view of the above, we do not find any reason to issue the direction of the nature sought by the petitioner, more so when the approval required under law was obtained by the fifth respondent.

The writ petition is, accordingly, dismissed. No costs. Consequently, W.M.P.No.14148 of 2022 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sasi



To:

- 1 The District Collector
Collectorate, Salem.
- 2 The Deputy Director
Directorate of Town and Country Planning
Salem Region, Soornamangalam
Salem.
- 3 The Block Development Officer
Block Development Office
Gangavalli Taluk
Salem District.
- 4 The President,
Panchayat Officer,
Manmalai Village,
Gangavalli Taluk,
Salem District.

+1cc to the Government Pleader, S.R.No.36568

W.P.No.14926 of 2022

CA (CO)
UMA (23/06/2022)