



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.11945 of 2022
and W.M.P.Nos.11366 & 11368 of 2022

R.Balasivakumar

...Petitioner

Vs

1.The District Collector
Erode District, Erode.

2.The Tahsildar
Nambiyur Taluk
Erode District.

3.The Executive Officer
Nambiyur Town Panchayat
Erode District.

4.M.Subramaniam

...Respondents

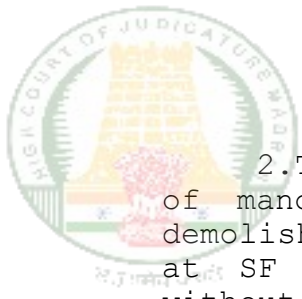
Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to remove / demolish the unauthorised construction made by the 4th respondent at SF No.402, Main Road, Nambiyur Village, Erode District without causing damage to the petitioners shop situated at SF No.402, No.323/199, Main Road, Nambiyur Village.

For Petitioner	:	Mrs.N.Kavitha Rameshwar
For Respondents	:	Mr.S.Prabakaran
		Government Advocate
		for R1 to R3

O R D E R

(Order of the Court was made by R.MAHADEVAN, J.)

Mr.S.Prabhakaran, learned Government Advocate (Education) takes notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal, at the time of admission itself.



2.The prayer made in this writ petition is to issue a writ of mandamus directing the respondents 1 to 3 to remove / demolish the unauthorised construction made by the 4th respondent at SF No.402, Main Road, Nambiyur Village, Erode District without causing damage to the petitioner's shop situated at SF No.402, No.323/199, Main Road, Nambiyur Village.

3.The case of the petitioner is that he is the owner of the subject property and has been in continuous possession and enjoyment of the same. There is a civil dispute with regard to the ownership of the subject property and the same is now at the second appellate stage pending consideration before this Court. While so, the fourth respondent herein, who is one of the defendants in the original suit, has started to construct a commercial shop adjacent to the petitioner's house. It is the grievance of the petitioner that the said construction has been carried on without obtaining any permission or plan approval from respondents 1 to 3. Therefore, the petitioner submitted a representation to the respondent officials to take appropriate action. Pursuant to the same, the third respondent issued a stop work notice dated 18.04.2022 to the fourth respondent. Despite the said stop work notice, the fourth respondent is carrying on the construction activities. Feeling aggrieved, the petitioner is before this court with this writ petition.

4. Considering the facts and circumstances of the case, without going into the merits of the matter, the respondents 1 to 3 are directed to take appropriate action in accordance with law and also in the light of the stop work notice dated 18.04.2022, after affording an opportunity of personal hearing to the petitioner as well as the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order. If any unauthorised construction is carried on, the same shall be stalled by the respondent officials forthwith.

5. The writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST/RPP



To

1.The District Collector
Erode District, Erode.

2.The Tahsildar
Nambiyur Taluk
Erode District.

3.The Executive Officer
Nambiyur Town Panchayat
Erode District.

+1cc to Mr.N.Kavitha Rameshwar, Advocate, S.R.No.31077

+1cc to the Special Government Pleader, S.R.No.31283

W.P.No.11945 of 2022

RP(CO)
KKV/10/05/2022