



W.P.No.16366 of 2021

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to initiate action against the 4th respondent by demolition of unauthorised construction at Door No.44/4/3, New No.12/9, Anna Salai, Arcot situated in Ward C, Block 4 in T.S.Nos.35/6, 37/3, 37/4 and 37/5 Arcot as per Section 216 of the Tamil Nadu District Municipalities Act.

For Petitioner	: Mr.N.A.Nissar Ahmed
For R1 & R5	: Ms.R.L.Karthika
	Government Advocate
For R2	: Mr.B.Anand
For R3	: No appearance
For R4	: Mr.D.Nandhagopal
	for Mr.R.Rajarajan

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petition is filed for a direction to the respondents 1 and 2 to initiate action against the 4th respondent by demolition of unauthorised construction at Door No.44/4/3, New No.12/9, Anna Salai, Arcot situated in Ward C, Block 4 in T.S.Nos.35/6, 37/3, 37/4 and 37/5 Arcot as per Section 216 of the Tamil Nadu District Municipalities Act.



2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 & 5 and learned counsel appearing for the respondents 2 and 4. Though the 3rd respondent entered appearance through Advocate, when the matter is taken up for hearing, there is no representation for him.

3. According to the petitioner, he is Muttawalli of Late Arcot Mohammed Khader Wakf Estate. The property belongs to the said Wakf and it was leased out to 4th respondent. The 4th respondent has illegally put up commercial building in the said wakf property without obtaining permission and planning approval. The petitioner obtained information under RTI Act from the 2nd respondent that said building is constructed without any permission and approval. In such circumstances, the petitioner gave representation to the respondents 1 and 2 to take action and remove the illegal construction. The respondents 1 and 2 have not acted on the representation of the petitioner. After bifurcation of the Vellore District, the 5th respondent is the competent authority. Hence, the petitioner has filed the present writ petition for the relief stated above impleading the 5th respondent also.



W.P.No.16366 of 2021

4.The learned counsel appearing for the 2nd respondent filed counter affidavit and submitted that the 2nd respondent will inspect the property and if there is any unauthorised construction, necessary action will be taken against the 4th respondent as per law.

5.Considering the above submissions of the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 & 5 and the learned counsel appearing for the respondents 2 & 4 and as per the information furnished by the 2nd respondent under RTI Act, the 4th respondent has put up building without any permission and approval, the respondents 2 and 5 are directed to inspect the building in question and if any unauthorised construction has been put up without building permission and approval, the 2nd respondent is directed to take appropriate action for demolition as per the provisions of the Tamil Nadu District Municipalities Act.

6.With the above directions, the writ petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
09.12.2022
(1/2)

Internet : Yes / No
kj



W.P.No.16366 of 2021

To

WEB COPY

1.The District Collector
Sathuvachari
Vellore.

2.The Commissioner
Arcot Municipality
Arcot, Vellore.

3.The Tamil Nadu Wakf Board
Represented by its Chief Executive Officer
No.1, Jaffer Syrang street
Vallal Sethakathi Nagar
Chennai-1.

4.The District Collector
Ranipet District.



WEB COPY



W.P.No.16366 of 2021

**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

Kj

Writ Petition No.16366 of 2021

09.12.2022
(1/2)