



W.P.No.16508 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.16508 of 2021

Dr.V.Pandiyan

... Petitioner

Vs.

- 1.The Director of Town and Country Planning,
O/o.Town and Country Planning,
Anna Salai, Chennai - 600 002.
- 2.The Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor, Chepauk,
Chennai - 600 005.
- 3.The Assistant Director of Town and Country Planning,
Villupuram Region,
TADCO Building G.H.Road,
Villupuram - 605 602.
- 4.The Commissioner,
Villupuram Municipality,
No.734, PJN Road,
Villupuram - 605 602.



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5.The Chief Educational Officer,
Moovendar Nagar,
Villupuram - 605 602.

6.V.Chozhan
Correspondent,
VRP Higher Secondary School,
No.17-A, Ranganathan Road,
Villupuram - 605 602.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to take appropriate action against the unauthorised constructions made by the 6th respondent in Town Survey No.75, 76/1 & 76/2, Ward A, Block 16, Villupuram Town & District, for VRP School, No.17-A, Ranganathan Road, Villupuram District.

For Petitioner : Mr.P.Dinesh Kumar

For RR1, 2, 3 & 5 : Mr.R.L.Karthika

Government Advocate

For R4 : Mr.P.Srinivas

For R6 : Mr.N.Suresh

ORDER

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

The present writ petition is filed to direct the respondents to take appropriate action against the unauthorised constructions made by the 6th respondent in Town Survey No.75, 76/1 & 76/2, Ward A, Block 16, Villupuram Town & District, for VRP School, No.17-A, Ranganathan



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2.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 & 5, learned counsel appearing for the 4th respondent as well as learned counsel appearing for the 6th respondent and perused the entire materials on record.

3.According to the petitioner, the sixth respondent put up construction unauthorisedly without any permission encroaching the petitioner's property and hence, the petitioner sent a detailed representation dated 03.04.2021 to all the official respondents to take necessary action against the sixth respondent for the unauthorised construction put up by him. Since no action is taken till date by the respondents, the petitioner has come up with the present Writ Petition.

4.The learned counsel appearing for the fourth respondent/the Commissioner, Villupuram Municipality submitted that the fourth



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respondent has inspected the property and found out that the sixth respondent without obtaining any permission has put up an additional construction. The fourth respondent has issued notice under Section 216 (1) & (2) of the Tamilnadu District Municipalities Act dated 24.02.2015. The sixth respondent has not furnished any reply to the show cause notice. Since the fourth respondent has no authority with regard to unauthorised construction they have not initiated any action against the sixth respondent. According to the fourth respondent, the third respondent is the authority to deal with the unauthorised construction with regard to the sixth respondent school.

5.The learned counsel appearing for the sixth respondent submitted that the sixth respondent filed an application for regularisation of the revised plan on 09.09.2021 before the first respondent and the same is pending consideration.

6.The learned Government Advocate appearing for the respondents 1 to 3 and 5 submitted that the application filed by the sixth



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respondent for regularisation of the revised plan will be considered within a time fixed by this Court.

7.Considering the above submissions made by the learned counsel for the petitioner and the respondents, the first respondent is directed to consider the application dated 09.09.2021 filed by the sixth respondent for regularisation of the revised plan within eight (8) weeks from the date of receipt of a copy of this order. Till such time respondents 1 to 4 are restrained from taking any coercive action against the sixth respondent.

8. With the above directions, this Writ Petition is disposed of.

No costs.

(V.M.V.,J.) (R.H.,J.)

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

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