



W.P.No.25514 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.25514 of 2022

G.Thangavel

...Petitioner

Vs.

- 1.The Secretary to Government,
Municipal and Water Supply Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Chennai – 600 028.
- 3.The District Collector,
Salem.
- 4.The Corporation Commissioner,
Salem – 636 001.
- 5.The Commissioner of Police,
Salem – 636 006.
- 6.The Assistant Director of Town and Country Planning,
Salem – 636 005.

7.S.Kandasamy

...Respondents



W.P.No.25514 of 2022

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 6 to take appropriate action on the unauthorized construction made by the 7th respondent in Door No.41-A, Block No.25, Suramangalam Zone – 1, Salem – 5 by considering 4th respondent's order dated 17.05.2022 and 25.05.2022 and also by considering petitioner representation dated 25.07.2022.

For Petitioner : Ms.R.Poornima

For Respondents : Mrs.R.L.Karthika,
Government Advocate for R1 and R2

Mr.Vadivelu Deenadayalan,
Additional Government Pleader for R3 & R6

Mrs.N.Devi for R4

Mr.A.Selvendheran,
Special Government Pleader for R5

Mr.Muruganantham for R7



W.P.No.25514 of 2022

ORDER

WEB COPY

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

The prayer in the writ petition reads as follows:-

To direct the respondents 1 to 6 to take appropriate action on the unauthorized construction made by the 7th respondent in Door No.41-A, Block No.25, Suramangalam Zone – 1, Salem – 5 by considering 4th respondent's order dated 17.05.2022 and 25.05.2022 and also by considering petitioner representation dated 25.07.2022.

2. From the status report filed by the Commissioner, Salem Corporation we find that the notices have been issued under Sections 56 and 57 of the Town and Country Planning Act on 11.11.2022. The learned counsel for the 7th respondent would contend that the building was constructed even in the year 1990 and he intends preferring an appeal to the Government. It is open to the 7th respondent to avail any remedy that is available to him under law. The Commissioner is directed to proceed with the action taken and pursue the same to its logical conclusion in accordance with law.



W.P.No.25514 of 2022

WEB COPY

4. The writ petition is **disposed of** on the above terms. If the 7th respondent files an appeal, the appellate Authority will decide it on merits without being influenced by any of the observations made herein above. No costs.

(R.S.M.,J.) (K.B.,J.)
30.11.2022

dsa
Index : No
Internet : Yes
Speaking order



W.P.No.25514 of 2022

To:-

1. The Secretary to Government,
Municipal and Water Supply Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Chennai – 600 028.
3. The District Collector,
Salem.
4. The Corporation Commissioner,
Salem – 636 001.
5. The Commissioner of Police,
Salem – 636 006.
6. The Assistant Director of Town and Country Planning,
Salem – 636 005.



WEB COPY



W.P.No.25514 of 2022

R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

dsa

W.P.No.25514 of 2022

30.11.2022