



W.P.No.27659 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.27659 of 2022

and

W.M.P.No.26935 of 2022

V.Sudha

.. Petitioner

Vs.

1.The Commissioner,
Krishnagiri Municipality,
Krishnagiri Town and District.

2.The Town Planning Officer,
Krishnagiri Municipality,
Krishnagiri Town and District.

3.C.Balakrishnan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Official Respondents 1 and 2 to take action against the unauthorized and illegal construction put up by the 3rd Respondent in the property in Town Survey Nos.115, 116 and 117, Kattiganapalli Village, Krishnagiri Town and District within the time limit fixed by this Court.

For Petitioner : Ms.S.Uma Maheswari



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For R1 : Mr.P.Gurunathan
Additional Government Pleader

For R2 : Mr.R. Vigneswaran
Government Advocate

For R3 : Mr.T.Sri Krishna Bhagavat
for Ms.P.Subba Reddy

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 & 2 to take action against the unauthorized and illegal construction put up by the 3rd respondent in the property in Town Survey Nos.115, 116 and 117, Kattiganapalli Village, Krishnagiri Town and District, within the time limit fixed by this Court.

2.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the 1st respondent, learned counsel appearing for the 2nd respondent as well as the learned counsel appearing for the 3rd respondent and perused the entire materials on record.



3.The petitioner has filed the present Writ Petition stating that she is the absolute owner of the property situated in Town Survey Nos.118 and 119 in Kattiganapalli Village, Krishnagiri Town and District. The 3rd respondent claiming to be the owner of the property in Town Survey Nos.115, 116 and 117, Kattiganapalli Vilage, Krishnagiri Town and District, started putting up construction encroaching the street by erecting two pillars in the street and also encroached the petitioner's property in Survey Nos.118 and 119 in Kattiganapalli Village, Krishnagiri Town and District.

3(i).The petitioner gave representation to the respondents 1 & 2. The Officials of the respondents 1 & 2 inspected the property of the 3rd respondent and found that 3rd respondent is constructing the building without any building permission and also encroached the street. The Officials informed the 3rd respondent not to put up further construction. But, the 3rd respondent being influential person in the said locality is continuing the construction. When the petitioner approached the respondents 1 & 2, they are evasive and are not taking any action to stop further construction and demolish the unauthorized construction as per the provisions of the Tamil Nadu District Municipality Act, 1920. Hence,



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the petitioner gave representations dated 26.02.2022, 25.09.2022 and 30.09.2022 to the respondents 1 & 2 and has come out with the present Writ Petition.

4.The learned Additional Government Pleader appearing for the 1st respondent as well as the learned Government Advocate appearing for the 2nd respondent submitted that on receiving the petitioner's representation dated 30.09.2022 about the unauthorized construction in Town Survey Nos.115, 116 and 117, Kattiganapalli Vilage, Krishnagiri Town and District, the Officials of the respondents 1 & 2 inspected the property and found that 3rd respondent has constructed the ground floor measuring about 38 X 30 feet in Town Survey Nos.115 & 116 and in Town Survey No.117, a building has been constructed in the ground floor, electricity connection and property tax receipt have been obtained. The Officials of the respondents 1 & 2 stopped the construction in Town Survey Nos.115 & 116 and submitted a report about the unauthorized construction. Based on the said report, the 1st respondent issued a notice to the 3rd respondent dated 14.10.2022 to remove the unauthorized construction within seven days and subsequently passed an order on 28.10.2022 granting three days time to demolish the illegal construction. If the 3rd respondent is not



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removing the illegal construction, the Officials of the respondents 1 & 2 will take steps to remove the illegal construction by demolishing the illegal construction in Town Survey Nos.115 & 116. They also submitted that the respondents 1 & 2 will initiate steps for removal of unauthorized construction put up in Town Survey No.117 also.

5.The learned counsel appearing for the 3rd respondent submitted that the petitioner is also putting up construction in Town Survey Nos.118 and 119 without any approval and planning permission. The petitioner has approached this Court without clean hands and prayed for dismissal of the Writ Petition.

6.Considering the above submissions and the submission of the learned Additional Government Pleader appearing for the 1st respondent as well as the learned Government Advocate appearing for the 2nd respondent that the respondents 1 & 2 have issued notice to the 3rd respondent for removal of the unauthorized construction, the respondents 1 & 2 are directed to proceed with the order dated 28.10.2022 and as per the provisions of The Tamil Nadu District Municipality Act,1920 in accordance with law within a period of eight weeks from the date of



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receipt of a copy of this order.

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7. With the above directions, the Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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

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Index : Yes / No

Internet : Yes / No

To

1. The Commissioner,
Krishnagiri Municipality,
Krishnagiri Town and District.

2. The Town Planning Officer,
Krishnagiri Municipality,
Krishnagiri Town and District.

V.M.VELUMANI, J.

and

R.HEMALATHA, J.



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