



W.P. No.28097 of 2022 and W.M.P. No.27376 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.28097 of 2022

&

W.M.P. No. 27376 of 2022

M.A. Chandrasekaran

...Petitioner

Vs.

1. The Commissioner
Salem Corporation, Salem
Salem District.

2. Tmt. Sasireka

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ or order or orders or direction, particularly in the nature of Writ of Mandamus directing the first respondent to demolish the violated construction of the second respondent's Apartment situated at Door No.282/1, New No.310,15th Division, Azhagapuram, Periyaputhur, Salem, Salem District, Pin 636 016 by considering the petitioner's representation dated 08.09.2022 in accordance with law to secure the ends of justice.

For Petitioner

: Mr. R. Sankarasubbu



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For R1 : Ms. N. Devi, Standing Counsel
For R2 : Mr. S.S. Raghavan

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 the first respondent to demolish the violated construction of the second respondent's Apartment situated at Door No.282/1, New No.310,15th Division, Azhagapuram, Periyaputhur, Salem, Salem District, Pin 636 016 by considering the petitioner's representation dated 08.09.2022.

2. Heard the learned counsel appearing for the petitioner, learned Standing Counsel appearing for the 1st respondent as well as learned counsel appearing for the 2nd respondent and perused the entire materials on record.

3. According to the learned counsel appearing for the petitioner, the 2nd respondent started constructing an apartment in the year 2019 in violation of the DTCP approval granted by the 1st respondent. Hence, the



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petitioner sent a representation dated 08.09.2022 to the 1st respondent to take appropriate action against the 2nd respondent for the violations in the construction. Since no action is taken till date by the 1st respondent, the petitioner has come up with the present Writ Petition.

4. Learned counsel appearing for the 2nd respondent submitted that the 2nd respondent has constructed the petition mentioned apartment as per the DTCP approval granted by the 1st respondent and there is no violation as alleged by the petitioner.

5. Learned Standing Counsel appearing for the 1st respondent submitted that the 1st respondent will inspect the apartment of the 2nd respondent and if any deviation is found in the construction as against the approved building plan granted by the 1st respondent, necessary action will be taken against the 2nd respondent .

6. Considering the above submissions made by the learned counsel appearing for the petitioner as well as the learned counsel



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appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent, the 1st respondent is directed to inspect the property in question, after issuing notice to the petitioner as well as the 2nd respondent, within 15 days from the date of receipt of a copy of this order and if any violation is found on the approval granted by them, necessary action is directed to be taken against the 2nd respondent as per the provisions of the Salem Municipal Corporation Act, within a period of eight (8) weeks thereafter.

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.)
09.12.2022

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

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



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To
The Commissioner, Salem Corporation,

Salem, Salem District.

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