



W.P.No.29525 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.29525 of 2022 and
W.M.P.Nos.28905, 28907 & 32630 of 2022

S.R.Soundararajan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development and
Local Administration Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
Salem District, Salem.
- 3.The Assistant Director,
Rural Development (Panchayat),
R.No.208, Collectors Office,
Salem.
- 4.The Block Development Officer,
Ondikadai, Panchayat Union Office,
Yercaud – 636 602, Salem District.
- 5.Yercaud Town Panchayat,
Rep. by its Secretary,
Yercaud – 636 601,
Salem District.



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6. The Assistant Director,
Salem District Town and Country Planning,
No.6, Sannathi Street, Subramania Nagar,
Salem – 636 005.

7. The Junior Engineer,
TANGEDCO,
G.H.Road, Yercaud,
Salem District.

8. V.Lalitha

9. V.Prabakaran

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 6 to forthwith take appropriate action against the illegal construction put up by the Respondents 8 & 9 in Old S.No.28/2, New T.S.No.28/1C and R.S.No.28/2C1A in Yercaud Town, Ladies Seat Road, Yercaud, Salem District and consequently to demolish the illegal construction put up by the 8th and 9th Respondents.

For Petitioner	: Mr.K.Selvaraj
For RR 1, 2, 3 & 6	: Ms.R.Karthika Government Advocate
For RR 4 & 5	: Mr.C.Selvaraj Additional Government Pleader
For RR 8 & 9	: Mr.S.R.Rajagopal for Ms.Shanmitha



ORDER

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

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The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 6 to forthwith take appropriate action against the illegal construction put up by the respondents 8 & 9 in Old S.No.28/2, New T.S.No.28/1C and R.S.No.28/2C1A in Yercaud Town, Ladies Seat Road, Yercaud, Salem District and consequently to demolish the illegal construction put up by the respondents 8 & 9.

2.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for 1, 2, 3 & 6, learned Additional Government Pleader appearing for respondents 4 & 5 and the learned counsel appearing for respondents 8 & 9 and perused the entire materials on record.

3.The petitioner is owner of the property on the northern side of the property belonging to respondents 8 & 9. According to petitioner, the respondents 8 & 9 in total violation of Rules and Regulations, are putting up construction without leaving any space in their property. In spite of various representations and complaints given by the petitioner, the



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respondents 1 to 6 did not take any action to stop the illegal construction.

Hence, the petitioner has come out with the present Writ Petition.

4.On 08.11.2022, when the Writ Petition was taken up for admission, this Court directed the respondents 4 to 6 to appear before this Court on 14.11.2022. They appeared before this Court on that day and the 6th respondent submitted that the 4th respondent is the authority to take action in respect of illegal construction. This Court on 14.11.2022 directed the 4th respondent to take action in the event if it is found that the respondents 8 & 9 have constructed the building in deviation of the sanctioned plan, such deviated construction shall be removed in accordance with law and file a report before this Court.

5.Mr.C.Selvaraj, learned Additional Government Pleader appearing for the respondents 4 & 5 submitted that as per the order of this Court, the 4th respondent inspected the building in question and submitted that the 4th respondent on 15.11.2022 directed the respondents 8 & 9 to remove the unauthorized portion of the construction put up by them. On 19.11.2022, again the 4th respondent inspected the property in question and found that the respondents 8 & 9 have removed the unauthorized



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deviated portion of the construction. The learned Additional Government Pleader also filed photographs to show that deviated portions have been removed by the respondents 8 & 9.

6.In view of the above, no further order is necessary in this Writ Petition. Accordingly, the Writ Petition is closed. The 4th respondent is further directed to inspect the property and if there is any deviation to take appropriate steps in accordance with law. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(V.M.V., J) (R.H., J)
12.12.2022

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Index : Yes / No
Internet : Yes / No

To

1.The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development and
Local Administration Department,
Secretariat, Chennai – 600 009.

2.The District Collector,
Salem District, Salem.



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- 3.The Assistant Director,
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R.No.208, Collectors Office, Salem.
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