



W.P.No.34122 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.34122 of 2022

C.Balakrishnan

.. Petitioner

Vs.

1.The Secretary
Housing and Urban Development Department
Tamil Nadu Secretariat
St. Fort George, Chennai – 600 009.

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

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

4.V.Sudha .. 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 2 and 3 to take necessary action against the unauthorised and illegal construction put up by the 4th Respondent in No.95, Londonpet II Naidu Street, Krishnagiri Town and District, Survey Number 118, 119 and within the time fixed by this Court.



W.P.No.34122 of 2022

For Petitioner : Mr.Shri Krishna Bhagavat

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

ORDER

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

The present writ petition is filed for a direction to the respondents 2 and 3 to take necessary action against the unauthorised and illegal construction put up by the 4th respondent in No.95, Londonpet II Naidu Street, Krishnagiri Town and District, Survey Number 118, 119 and within the time fixed by this Court.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1 to 3, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing for the petitioner and learned Special Government Pleader appearing for the respondents 1 to 3 and perused the entire materials on record.



W.P.No.34122 of 2022

4. According to the petitioner, he is the absolute owner of the property in S.No.115 situated at No.92, Londonpet, 2nd Naidu Street, Krishnagiri Town. The learned counsel appearing for the petitioner submitted that the 4th respondent has constructed building unauthorisedly encroaching the neighbouring properties without any permission in S.Nos.115, 116, 117, 118 and 119 situated at No.95, Londonpet II Naidu Street, Krishnagiri Town and District. The 4th respondent suppressing the unauthorised construction put up by her, filed W.P.No.27659 of 2022 to take action against the construction put but by the petitioner. This Court by the order dated 06.12.2022 directed the respondents 2 and 3 herein to take action against the unauthorised construction put up in all the survey numbers viz., S.Nos.115 to 119.

5. The learned counsel appearing for the petitioner submitted that the respondents 2 and 3 are taking selective action ignoring the petitioner's representation. The petitioner has made representation dated 31.10.2022 to the respondents 2 and 3 requesting to take action against the 4th respondent for constructing unauthorized building and another representation dated 11.11.2022 to the respondents 1 and 2 seeking exemption under Section 217 of the District Municipalities Act, but they



W.P.No.34122 of 2022

have not taken any action. Hence, the petitioner has come out with the present writ petition.

6. Mr.A.Selvenran, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the respondents 2 and 3 will inspect the properties in all the survey numbers including S.Nos.118 and 119 and if there is any unauthorised construction, they will proceed further as per the Tamil Nadu District Municipalities Act, 1920. Earlier, the 4th respondent has filed W.P.No.27659 of 2022 alleging that illegal construction has been put up by the petitioner in S.Nos.115, 116 and 117, Kattiganapalli Village, Krishnagiri Town and District. This Court, by the order dated 06.12.2022 directed the respondents 2 and 3 herein to proceed with the earlier order dated 28.10.2022 and as per the provisions of the Tamil Nadu District Municipalities Act, 1920 for removal of the unauthorized construction.

7. Considering the above submissions made by the learned counsel appearing for the parties, the respondents 2 and 3 are directed to inspect the properties in all the survey numbers viz., S.Nos.115, 116, 117, 118 and 119 and if the petitioner and the 4th respondent have put up any



W.P.No.34122 of 2022

unauthorised constructions, the respondents 2 and 3 shall take necessary action in accordance with law, after giving notice to the petitioner and the 4th respondent.

8. With the above direction, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
21.12.2022

Index : Yes / No
Internet : Yes / No
dm

To

1.The Secretary
Housing and Urban Development Department
Tamil Nadu Secretariat
St. Fort George, Chennai – 600 009.

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

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



WEB COPY



W.P.No.34122 of 2022

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

dm

W.P.No.34122 of 2022

21.12.2022