



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD)No.4045 of 2022

G.Senthil Kumar

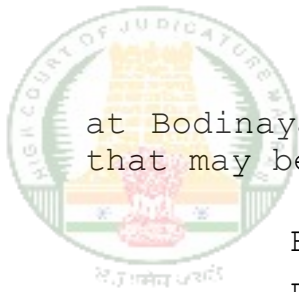
.. Petitioner

Vs

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Chennai - 600 009.
2. The Municipal Commissioner,
Bodinayakkanur Municipality,
Theni District.
3. The Town Planning Inspector,
Bodinayakkanur Municipality,
Theni District.
4. The Town Survey Sub-Inspector,
Bodinayakkanur Municipality,
Theni District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to initiate disciplinary action against Respondents No.2 to 4 for their illegal favour which around more than 6 ½ years to the encroachers and willfull inaction against illegal construction in violation of plan or without plan under the Tamil Nadu District Municipalities Act, 1920 [(i.e) according to their official records, Notice issued under the section 199, 216 (1) (2) and 317 of the Tamil Nadu District Municipalities Act, 1920 against the removal of illegal construction in violation dated on 15.10.2015], willful disobedience and wantonly failed to fulfil their fundamental duty, dereliction on their duty against and even after the detailed order 208/Na/2018 Dated 21.06.2019 passed by Hon'ble Tamil Nadu Local Bodies Ombudsman on the basis of Hon'ble High Court Verdicts on various cases on removal of encroachment and illegal construction and thereby direct the respondents 2 to 4 to take immediate action against removal of encroachment and illegal construction made in violation in the Government Puramboke Land and also in petitioner's land comprises of Survey No.T.S.No.146/Ward No.5/Block 3 and T.S.No.145/Ward No.5/Block 3 respectively, situated



at Bodinayakanur Municipality, Theni District within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.Dr.Ramesh Mahadev

For Respondents : Mr.K.Balaubramani
Special Government Pleader

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ORDER

[Made by PARESH UPADHYAY, J.]

1. This petition is filed with the following prayer:-

"Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to initiate disciplinary action against Respondents No.2 to 4 for their illegal favour which around more than 6 ½ years to the encroachers and willfull inaction against illegal construction in violation of plan or without plan under the Tamil Nadu District Municipalities Act, 1920 [(i.e) according to their official records, Notice issued under the section 199, 216 (1) (2) and 317 of the Tamil Nadu District Municipalities Act, 1920 against the removal of illegal construction in violation dated on 15.10.2015], willful disobedience and wantonly failed to fulfil their fundamental duty, dereliction on their duty against and even after the detailed order 208/Na/2018 Dated 21.06.2019 passed by Hon'ble Tamil Nadu Local Bodies Ombudsman on the basis of Hon'ble High Court Verdicts on various cases on removal of encroachment and illegal construction and thereby direct the respondents 2 to 4 to take immediate action against removal of encroachment and illegal construction made in violation in the Government Puramboke Land and also in petitioner's land comprises of Survey No.T.S.No.146/Ward No.5/Block 3 and T.S.No.145/Ward No.5/Block 3 respectively, situated at Bodinayakanur Municipality, Theni District within the time limit that may be stipulated by this Hon'ble Court."

2. The details of the respondents (by designation) are as noted above.

3. The petitioner seeks directions against the State to take action against the Officers, who are not before this Court. This

<https://hccourtsonline.org.in/cases>



petition therefore suffers from the vice of non-joinder of necessary party. Apart from the intention and bonafide of the petitioner, which can also be gone into by this Court, we find that, this petition need not be entertained for this count alone.

4. For the above reasons, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssm

To

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Chennai - 600 009.
2. The Municipal Commissioner,
Bodinayakkanur Municipality,
Theni District.
3. The Town Planning Inspector,
Bodinayakkanur Municipality,
Theni District.
4. The Town Survey Sub-Inspector,
Bodinayakkanur Municipality,
Theni District.

+1 CC to M/s.SPL GP (SR-10592[F] dated 08/03/2022)

W.P (MD)No. 4045 of 2022
07.03.2022

MGJ(17.03.2022) 3P 6C