



W.P(MD) No.22444 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.22444 of 2022
and
W.M.P(MD) No.16644 of 2022**

A.Somasundaram

... Petitioner

-VS-

1.The Commissioner,
Tuticorin Corporation,
Tuticorin.

2.Member Secretary,
Local Planning Authority,
West Car Street,
Thoothukudi.

3.Arumugam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to initiate appropriate legal action, based on the representation given by the petitioner dated 19.08.2022, against the third respondent for the unauthorised and illegal construction of two-storey building comprised in building bearing Door No.167 in New Colony, Thoothukudi, within the



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Registration District of Tuticorin and Sub-Registration District of Tuticorin, Alagesapuram.

For Petitioner : Mr.V.Shathurthi Raja

For Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R2
N.Anandakumar,
Standing Counsel for R1

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Mr.N.Anandakumar, learned Standing Counsel, takes notice for the first respondent and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, takes notice for the second respondent. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

2. The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents to initiate appropriate action against the third respondent for the unauthorized construction of two-storey building bearing Door No.167, New Colony, Thoothukudi, based on the petitioner's representation dated 19.08.2022.



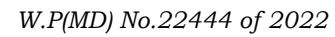
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3. Pointing out that while the petitioner was residing at Mumbai along with her daughter, the third respondent started construction of two-storey building on the western side of his property without obtaining any building plan approval from the first respondent – Corporation, thereby the easement rights of the petitioner have been affected, the petitioner sent a representation dated 19.08.2022 to the respondents 1 and 2, requesting to take appropriate action against the third respondent. However, the said representation is not considered so far. Hence, this writ petition.

4. On the other hand, the learned counsel for the respondents submitted that the authorities will consider the representation of the petitioner dated 19.08.2022 and would take appropriate action, if there is any encroachment as pointed out by the petitioner.

5. Recording the above submission, this court directs the respondents 1 and 2 to consider the representation of the petitioner dated 19.08.2022 and if there is any unauthorized construction as pointed out by the petitioner, appropriate action shall be taken for removal of the



6. The Writ Petition is disposed of with the above direction. No
Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
pkn

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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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