



W.P.(MD)No.23695 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

CORAM

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

W.P(MD)No.23695 of 2022
and W.M.P.(MD) No.17783 of 2022

K.Sundari

... Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Trichy – 1,
Trichy District.

2.The Commissioner,
Trichy City Corporation,
Cantonment,
Trichy District.

3.The Assistant Commissioner,
Trichy City Corporation,
Ponmalai Zone,
Ponmalai Zonal Office,
Trichy District.

4.D.Chandru

5.D.Prema

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 2 and 3 respondents herein to take appropriate steps pertaining to illegal construction put up by 4th and 5th respondents at property situated at Trichy District, Trichy Taluk, Trichy Town, Joint 1 & 2 Sub



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Registration Office, Trichy Town, Municipal Old Ward – 1, Old Block No.71, Old New Ward “X”(J), New Block No.24, New T.S.No.125, Door No.45, Keela Kosa Street, Beemanagar, in the light of petitioner's representation dated 11.07.2022 within a stipulated period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Sakthivel

For 1st Respondent : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

For Respondents 2 and 3 : Mr.R.Baskaran,
Standing Counsel

* * *

ORDER

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

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 2 and 3 to take appropriate action against the illegal construction made by respondents 4 and 5 at Door No.45, Keela Kosa Street, Beemanagar, New T.S.No.125, Trichy Town, in the light of her representation dated 11.07.2022, within a time frame.

2. Heard Mr.R.Sakthivel, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and



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Mr.R.Baskaran, learned Standing Counsel, who accepts notice on behalf of the respondents 2 and 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 and 5 is dispensed with.

4. Alleging that on the northern side of the petitioner's property, there was an old building in S.F.No.127, Door No.45, belonging to the respondents 4 and 5 and they without obtaining any proper building plan approval from the authorities concerned started constructing a two floor building without leaving sufficient space on all the sides and thereby causing a danger to her life as well as her property, the petitioner submitted a representation to the official respondents on 11.07.2022 and the same, according to the learned counsel for the petitioner, remains as such.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he



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would be satisfied if a direction is issued to the respondents 4 and 5 to consider and dispose of the representation of the petitioner dated 11.07.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 11.07.2022, and pass appropriate orders on merits and in accordance with law. If there is any illegal construction as claimed by the petitioner, the second respondent is directed to take necessary action in accordance with law after issuing notice to the respondents 4 and 5 and all the parties concerned. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
14.10.2022

Index : Yes / No
sj



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To

WEB COPY

- 1.The District Collector,
District Collector's Office,
Trichy – 1,
Trichy District.



WEB COPY



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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