



W.P.(MD)No.18732 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2022

CORAM

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

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M.Nagarajan

... Petitioner

Vs.

1.Tirunelveli City Municipal Corporation,
Represented by its Commissioner,
S.N.High Road,
Tirunelveli - 627 001.

2.The City Engineer,
Tirunelveli City Municipal Corporation,
S.N.High Road,
Tirunelveli - 627 001.

3.R.Shanmugasundaram

4. R.Ambalavanan

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to take action to remove the unlawful and unauthorized construction in Multistoried Shopping Complex Buildings in Door Nos.39, 40, 41 and 42, 42A, 43 & 44 situated at South Car Street, Tirunelveli Town, Tirunelveli District belonging to respondents 3 and 4 herein on the basis of the petitioner's representation dated 01.08.2018.



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For Petitioner : Mr.D.Srinivasaraghavan
For 1st Respondent : Mr.Aayiram K.Selvakumar
Standing Counsel

For Respondents 2 to 4 : No appearance
* * *

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 1 and 2 herein to take action to remove the unlawful and unauthorized construction in Multistoried Shopping Complex Buildings in Door Nos.39, 40, 41 and 42, 42A, 43 & 44 situated at South Car Street, Tirunelveli Town, Tirunelveli District, belonging to respondents 3 and 4 herein on the basis of the petitioner's representation dated 01.08.2018.

2. Heard Mr.D.Srinivasaraghavan, learned counsel for the petitioner and Mr.Aayiram K.Selvakumar, learned Standing Counsel appearing for the first respondent. Despite service of notice and their names appear in the cause list, there is no representation for the respondents 2 to 4.



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3. Pointing out that the respondents 3 and 4 have put up a Multistoried Shopping Complex / Buildings in Door Nos.39, 40, 41 and 42, 42A, 43 & 44 situated at South Car Street, Tirunelveli Town, Tirunelveli District, in total violation of the Building Plan and they have also encroached upon the drainage channel and the public road in Vagaiadi Amman Kovil Street and had fenced the same for using it as a parking zone, the petitioner submitted a representation to the respondents 1 and 2 on 01.08.2018 and the same, according to learned counsel for the petitioner, is unattended.

4. Considering the pendency of the representation of the petitioner before the respondents 1 and 2 for a long time, without expressing any opinion on the merits of 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 first respondent to consider the representation of the petitioner dated 01.08.2018 and pass appropriate orders on merits and in accordance with law. If there is any encroachment and unauthorized construction as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, respondents 3 and 4 and any other parties concerned, necessary



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action has to be taken by the authorities for removal of encroachment and unauthorized construction by following due process of law. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
19.09.2022

Internet : Yes / No
Index : Yes / No
sj



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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