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W.P.No.1237 of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 10.01.2023

CORAM:

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

W.P.No.1237 of 2020

P.Marappan

.. Petitioner

**Vs.**

1.The Commissioner  
Tiruchengode Municipality  
Tiruchengode-637 211.

2.R.Subramanian

.. Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 07.12.2019 and examining the petitioner in a time bound manner.

For Petitioner : Mr.Mohammed Riyaz

For R1 : Ms.R.L.Karthika  
Government Advocate

For R2 : Not ready in notice



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## **ORDER**

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

The present writ petition is filed for a direction to the 1<sup>st</sup> respondent to consider the petitioner's representation dated 07.12.2019 and examining the petitioner in a time bound manner.

2. Heard Mr.Mohammed Riyaz, learned counsel appearing for the petitioner as well as Ms.R.L.Karthika, learned Government Advocate appearing for the 1<sup>st</sup> respondent and perused the entire materials on record.

3. The learned appearing for the petitioner submitted that the petitioner and his brother namely P.Ramasamy are owners of common undivided land in RS.No.322/1B (TSLR No.87) and Patta No.6463, Ward – F, Block No.17 measuring to an extent of 7669 sq.ft., situated at Tiruchengode Village, Tiruchengode Taluk and Tiruchengode Municipality. He further submitted that his brother's son R.Subramanian/the 2<sup>nd</sup> respondent herein has constructed unauthorised three storeyed building to an extent of 4000 sq.ft, after obtaining a



planning permission only to an extent of 1170 sq.ft. He has put up the said construction by encroaching a portion of land of the petitioner. He further submitted that the said construction is in violation of the building plan. Therefore, the petitioner has made a representation dated 07.12.2019 to the 1<sup>st</sup> respondent. Since no action has been taken by the 1<sup>st</sup> respondent, the petitioner has come out with the present writ petition.

4. Ms.R.L.Karthika, learned Government Advocate takes notice for the 1<sup>st</sup> respondent and submitted that the 1<sup>st</sup> respondent will consider the petitioner's representation dated 07.12.2019 and necessary orders will be passed in accordance with law within the period fixed by this Court.

5. Considering the above submissions of the learned counsel appearing for the petitioner and learned Government Advocate appearing for the 1<sup>st</sup> respondent, the 1<sup>st</sup> respondent is directed to inspect the property in question after issuing notice to the petitioner as well as 2<sup>nd</sup> respondent, within a period of two weeks from the date of receipt of a copy of this order. If there is any unauthorised construction put up by second respondent without obtaining any approval, the 1<sup>st</sup> respondent shall take appropriate action in accordance with law considering the representation



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of the petitioner dated 07.12.2019.

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6. With the above directions, the writ petition is disposed of. No costs.

**(V.M.V., J) (R.H., J)**  
**10.01.2023**

Index : Yes / No

Internet : Yes / No

dm



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To

The Commissioner  
Tiruchengode Municipality  
Tiruchengode-637 211.



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

dm

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