



W.P.No.1146 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

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

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T.Thamizharasan

.. Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Mayiladuthurai District,
Mayiladuthurai District – 609 001.
- 2.The Director,
Urban Development Directorate,
2nd, 3rd, 4th Floors,
C&E market road,
Koyambedu, Chennai – 600 107.
- 3.The Executive Officer,
Tharangambadi Municipality (Selection Grade),
Poraiyar,
Tharangambadi,
Mayiladuthurai District – 609 307.
- 4.The General Manager,
District Industries Centre,
Mayiladuthurai,
Mayiladuthurai District – 609 001.



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5.The District Environmental Engineer,
Office of District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Mayiladuthurai District – 609 001.

6.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited – TANGEDCO,
No.36, Saidaippar Veedhi,
Nagapattinam,
Nagapattinam District – 611 001.

7.Vembu

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 6 to lock and seal the 7th respondent's company by considering the reasons stated in Petitioner's representation dated 09.12.2022 within a time frame fixed by this Court.

For Petitioner : Mr.M.Vignesh

For R1, R2 and R4: Mrs.R.L.Karthika
Government Advocate

For R3 : Mrs.M.Jayanthi
Additional Government Pleader

For R5 : Mrs.Shanmugavalli Sekar
Standing Counsel

For R6 : Mr.D.Sureshkumar
Standing Counsel

For R7 : Mr.R.Shivakumar



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ORDER

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

The present Writ Petition is filed for a direction to the respondents 1 to 6 to lock and seal the 7th respondent's company by considering the reasons stated in petitioner's representation dated 09.12.2022 within a time frame fixed by this Court.

2. Heard Mr.M.Vignesh, learned counsel appearing for the petitioner, Mrs.R.L.Karthika, learned Government Advocate appearing for the respondents 1, 2 and 4, Mrs.M.Jayanthi, learned Additional Government Pleader appearing for the 3rd respondent, Mrs.Shanmugavalli Sekar, learned Standing Counsel appearing for the 5th respondent, Mr.D.Sureshkumar, learned Standing Counsel appearing for the 6th respondent as well as Mr.R.Shivakumar, learned counsel appearing for the 7th respondent and perused the entire materials on record.

3. The learned counsel appearing for the petitioner submitted that the 7th respondent has constructed the building without any approval and is running Ice Factory without any license. When the 7th respondent



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started putting up additional construction, on 26.12.2020 the District Urban Development Officer, Nagapattinam passed an order directing the 7th respondent to stop the construction and if the 7th respondent continues the construction, the building will be locked and sealed. In spite of the said order, the 7th respondent did not stop the construction.

4. The learned counsel appearing for the petitioner further submitted that in the reply obtained by the petitioner under Right to Information application dated 27.04.2021, the 3rd respondent has informed the petitioner that the 7th respondent did not obtain any building permission and approval. The learned counsel appearing for the petitioner further submitted that the petitioner sent representations dated 27.09.2021 and 09.12.2022 to the authorities alleging unauthorised construction put up by the 7th respondent. Since no order has been passed, the petitioner has come out with the present writ petition for the above stated relief.

5. From the materials on record it is seen that it is the case of the petitioner that the 7th respondent has put up construction without obtaining building permission and approval and also trying to put up



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additional construction.

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6. In view of the averments made in the affidavit that on 26.12.2020 the District Urban Development Officer, Nagapattinam directed the 7th respondent to stop the construction, the 3rd respondent is directed to inspect the building in question after issuing notice to the petitioner and 7th respondent within a period of fifteen days from the date of receipt of a copy of this order and if there is any unauthorised construction found, take necessary action immediately in accordance with law within a period of eight weeks thereafter.

7. With the above direction, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
23.02.2023

Index : Yes / No
Neutral Citation : Yes / No
dm



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

dm

To

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