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W.P.No.2978 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No. 2978 of 2021

T.Senthilkumar
S/o. Thimmireddy,

... Petitioner

Vs.

1. The District Collector
Collectorate, Salem District,
Salem.

2. The Block Development Officer,
Idappadi Taluk, Salem District.

3. The President,
Chiddur Village Panchayat,
Idappadi Taluk, Salem District.

4. Tmt. Chinnamayili

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action on the representation of the petitioner dated 14.12.2020 and prevent the illegal construction of the 4th respondent in her vacant land in survey number 174 / 1A2 at Chiddur Bit - I Village, Idappadi Taluk, Salem District.



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For Petitioner : Mr.C.Kulanthaivel
For Respondents : Mr.P.Gurunathan
Additional Government Pleader for R1
Mr.E.Vijay Anand
Additional Government Pleader for R2
Mr.S.V.Durai Solaimalai for R3
for R4- No Appearance

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed, for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action on the representation of the petitioner dated 14.12.2020 and prevent the illegal construction of the 4th respondent in her vacant land in survey number 174 / 1A2 at Chiddur Bit - I Village, Idappadi Taluk, Salem District.

2.It is the case of the petitioner that he purchased agricultural lands measuring 34 ½ cents in new survey number 174/1A1 at Chiddur Bit – I, Village, Idappadi Taluk, Salem District, through the registered sale deed dated 13.05.2020 and presently the petitioner cultivating in the said agricultural lands. Petitioner's vendor originally owned 51 cents of



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agricultural lands in Survey No.174/1A and before he purchase the said agricultural lands, the vendor formed layouts in the said agricultural lands of entire 51 cents, divided the same into several housing plots and laid pathways in between the plots without any approval and planning permission from any authorities. The vendor also sold one plot measuring 1147 sq.ft to the 4th respondent, in the year 2010 as a vacant land.

3.In the revenue records, entire 51 cents of lands were classified as agricultural lands and the plot measuring 1147 sq.ft., sold to the 4th respondent has never been classified as housing site. While so, the 4th respondent started constructing a house building, without any approval or planning from the authorities concerned. Since the petitioner's agricultural lands are surrounded next to the 4th respondent's plot, he could not do the agricultural activities in his land and it causes much inconvenience for cultivation and related operation. Therefore, the petitioner sent a detailed representation to the respondents 1 to 3 on 14.12.2020 to take action on the illegal construction put up by the 4th respondent, despite receiving the said representation, the respondents 1



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to 3 have not taken any steps to prevent the illegal construction of the 4th respondent. Hence, the present Writ Petition.

4.The learned counsel for the petitioner would submit that it would suffice if a direction is issued to the respondents 1 to 3, to consider and pass orders on the representation of the petitioner dated 14.12.2020, within a time frame to be stipulated by this Court.

5.The learned Additional Government Pleader appearing for the 2nd respondent would submit that the respondents are ready and willing to take action on the representation of the petitioner, in accordance with the Tamil Nadu Panchayat Building Rules, 1997 and sought for eight weeks time.

6.In view of the submissions made by the learned counsel on either side, this Court without expressing any opinion on the merits of the matter, directs the respondents 1 to 3 to consider and pass orders on the representation of the petitioner dated 14.12.2020, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the above direction, the Writ Petition stands disposed of.

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No costs.

(J.N.B., J.) (N.M., J.)

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Index : Yes / No

Internet : Yes / No

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To

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and
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