



W.P.No.5254 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

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G.Boopalan ... Petitioner

versus

- 1.The District Collector,
Vellore District,
Office of the Vellore Collectorate,
Vellore.
- 2.The Superintendent of Police,
Vellore District,
Office of the Superintendent of Police,
Vellore.
- 3.The Head Quarters Deputy Tahsildar,
Nemyli Taluk,
Arokkonam,
Vellore District.
- 4.The Block Development Officer,
Kaveripakkam Town Panchayat,
Vellore District.

5.Esrasargunam ... Respondent

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus directing the first respondent to take action against the fifth respondent who has put up illegal constructions in nature of church named Evangelical Church of India Kattalai, Tamil Nadu, in S.No.112/2A2 Kattalai Village, Kaveripakkam Post, Nemyli Zone, Arokkonam Taluk, Vellore District-632 508 and demolish the same on the basis of the petitioner representation dated 15.06.2017 and pass orders.

For Petitioner	: No representation
For Respondents	: Mr.E.Vijay Anand Additional Government Pleader for respondents 1 to 4 Ms.Simi Mathew for Mr.A.M.Packianathan for respondent No.5

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

This writ petition has been filed for a Mandamus directing the first respondent to take action against the fifth respondent who has put up illegal constructions in nature of church named Evangelical Church of India Kattalai, Tamil Nadu, in S.No.112/2A2 Kattalai Village, Kaveripakkam Post, Nemyli Zone, Arokkonam Taluk, Vellore District-632 508 and demolish the same on the basis of the petitioner representation dated 15.06.2017.



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2. The learned counsel for the petitioner has placed a proceedings in Na.Ka.No,1228/2021/Ra.Ma dated 07.07.2021 addressed to the Block Development Officer and Commissioner of the Panchayat by the Joint Director. In the said proceedings, it is clearly stated that the fifth respondent has not obtained no objection from the District Collector for conversion of land and also has not approached the Local authority for getting necessary instructions for constructing building further. Therefore, the petitioner has filed the instant writ petition for taking action for removal of the unauthorized construction made by the fifth respondent in the property in question.

3. No counter-affidavit has been filed by the respondents.

4. At this juncture, it is expedient to refer the decision of the Hon'ble Supreme Court, ***Supertech Limited Vs Emerald Court Owner Resident Welfare Association*** & Ors, reported in **2021 10 SCC page 1**, wherein the Hon'ble Supreme Court has held as follows:

"147 From commencement to completion, the process of construction by developers is regulated within the framework of law. The regulatory framework encompasses all stages of construction, including allocation of land, sanctioning of the plan for construction, regulation



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of the structural integrity of the structures under construction, obtaining clearances from different departments (fire,garden, sewage, etc.), and the issuance of occupation and completion certificates. While the availability of housing stock, especially in metropolitan cities, is necessary to accommodate the constant influx of people, it has to be balanced with two crucial considerations – the protection of the environment and the well-being and safety of those who occupy these constructions. The regulation of the entire process is intended to ensure that constructions which will have a severe negative environmental impact are not sanctioned. Hence, when these regulations are brazenly violated by developers, more often than not with the connivance of regulatory authorities, it strikes at the very core of urban planning, thereby directly resulting in an increased harm to the environment and a dilution of safety standards. PART F Hence, illegal construction has to be dealt with strictly to ensure compliance with the rule of law”

5. The writ petition is of the year 2020. Based on the aforementioned proceedings Na.Ka.No.1228/2021/Ra.Ma dated 07.07.2021 placed on record addressed to the Block Development Officer/Panchayat and Commissioner of Panchayat, we direct the Block Development Officer namely the fourth respondent and the Commissioner of Panchayat to inspect the property in question after serving notice to the petitioner as well as to the fifth respondent. Based on the inspection report, if found any violation of the approved



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plan, the third respondent/Block Development Officer and Commissioner of Panchayat shall initiate necessary action for removal of unauthorized construction in the light of the proceedings dated 07.07.2021 and in the light of the decision of the Hon'ble Supreme Court, **Supertech Limited Vs Emerald Court Owner Resident Welfare Association** & Ors, reported in **2021 10 SCC page 1**, after providing opportunity to the petitioner as well as to the fifth respondent, in accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order and in accordance with law and

6. With the above directions, the writ petition stands disposed of. There will be no orders as to costs.

[D.K.K., J.] [P.D.B., J.]
23.06.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn
To
The Reveunue Divisional Officer
Harur,
Dharmapuri District.



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D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.
(mrn)

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