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W.P.No.6291 OF 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023
CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.6291 OF 2020

V.R.Kuppuraj

.... Petitioner

vs

1. The District Collector,
Tiruppur,
Tiruppur District.

2.The Commissioner
Corporation of Tiruppur,
Tiruppur.

3.The Zonal Officer,
Corporation of Tiruppur,
North Zone, Tiruppur.

4.Nagaraj

5.Mrs. Velumani

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to initiate necessary action based on the 1st respondents proceedings No. O.M. No. 17748/ 2018/ A3 dated 26.11.2018, relating to unauthorised construction erected by the respondents 4 and 5.



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For Petitioner : Mr.B.Manimaran

For Respondents : Mr.T.Sampathkumar
Government Advocate for R1
Mr.N.Chinnaraj for R5
Mr.Silambanan,
Additional Advocate General
assisted by Mr.Abishekmurthy
Standing Counsel for R2 & R3
No appearance for R4

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to issue a writ of Mandamus to direct the respondents 2 and 3 to initiate necessary action based on the 1st respondent proceedings dated 26.11.2018 relating to unauthorised construction erected by the respondents 4 and 5.

2. The case of the petitioner is that the property situated at Plot No.22(west part), Nerupperichal Village, Tiruppur Town, comprised in S.F.NO.124/3, measuring an extent of 3030 sq.ft has been purchased from one Sundaram through registered Sale Deed dated 30.11.1994 and further his sister-in-law viz., Poongodi also purchased adjacent plot No.22 (east part) by another Sale Deed dated 30.11.1994 and thereby they are in absolute



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possession and enjoyment of the properties. While so, with an intention to grab the said property, the respondents 4 and 5 by fabricating the Sale Deeds had encroached the properties in dispute and put up superstructures. Hence, the petitioner has approached the Inspector of Police, Central Crime Branch, Tiruppur and also sent representation to the 1st respondent for redressal of his grievance and the 1st respondent vide impugned proceedings dated 26.11.2018 had advised the 2nd respondent to take necessary action on the petitioner's representation relating to an unauthorized constructions made by the respondents 4 and 5. Since there was no response on the impugned proceedings, the petitioner also sent reminder to the respondents 1 and 2 and even also there was no action on the part of them. Hence, the present writ petition is filed.

3. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for 1st respondent and the learned Additional Advocate General assisted by the learned Standing Counsel appearing for respondents 2 and 3.



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4. On perusal of the Status Report filed by the 3rd respondent, it is evident that the 5th respondent has submitted a copy of plan approval issued by the Tiruppur Municipal Corporation vide Building License no.032/BL/2021/00137, dated 05.02.2021 for the building in question, which is constructed in S.F.No.124/3, site no.22(east part), Door No.8/2804 A1 and on receipt of the same, the Town planning officials of Tiruppur Corporation visited the site and found that the building put up by the 5th respondent is completely violating the conditions stipulated in the building license, issued by the Tiruppur Corporation. Hence notice dated 04.09.2023 was issued to the 5th respondent, wherein seven days time has been given to him to submit his explanation.

5. Therefore it is seen that subsequent to the impugned notice, the 3rd respondent has issued notice dated 04.09.2023 to the 5th respondent by giving seven days time to submit his explanation. Further it is also submitted by the learned Additional Advocate General that the Corporation has commenced enforcement action.



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6. In view of the above, the official respondents 1 to 3 are directed to take further action in the manner known to law and complete the enforcement action within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition stands allowed. No costs.

(J.N.B., J.) (N.M., J.)
28.11.2023

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Index : Yes / No

Internet : Yes / No

To

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Tiruppur District.
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Tiruppur.
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