



W.P.No.5851 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

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

**W.P.No.5851 of 2022
and
W.M.P.No.5951 of 2022**

A.Selvaraj

..Petitioner

Vs.

1. The District Collector,
Mayiladuthurai District.
2. The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai,
Mayiladuthurai District.
3. G.Nedunchezhiyan
S/o Ganesan
4. Kalaiselvi,
5. Arokiadass
6. Brindha
7. S.Vedapuri



W.P.No.5851 of 2022

8. S.Varatharajan

9. Malarvizhi

10. Chithra

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 to remove the unauthorized construction built in the west side of the petitioner's house situated at Block No.5, Dabeer Street, Mayiladuthurai Town, namely the sheds adjacent to the west side of the petitioner's house and the Vinayaga temple.

For Petitioner : Mr.M.Muruganatham

For Respondents : Mr.P.Gurunathan,
Addl.Government Pleader for R1
Mr.P.Srinivas,
Standing Counsel for R2
No appearance for R3 to R9.

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 1 and 2 to remove the unauthorized construction built in the western side of the petitioner's house situated at Block No.5, Dabeer Street, Mayiladuthurai Town, namely the sheds adjacent to the



W.P.No.5851 of 2022

west side of the petitioner's house and the Vinayaga temple.

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2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the 1st respondent and the learned Standing Counsel appearing for the 2nd respondent/Municipality. Though notice have been served on the respondents 3 to 10, none appeared either in person or through counsel.

3. According to the petitioner, he had purchased a flat in Govinda Apartment situated at Block No.5, Dabeer Street, Mayiladuthurai. Originally, western side of his house was a empty space, in which, the residents used to park the vehicles. Subsequently, a Vinayaka statue was erected next to the petitioner's bedroom, which is in the western side of his apartment. The petitioner agitated the illegal construction which was built without any permission and he also tried to convince the respondents 3 to 10 to move the temple to the empty space which is available in the centre of the apartment building. The respondents 3 to 10 refused to stop the illegal construction. Hence, this writ petition.

4. Learned counsel for the 2nd respondent/ Municipality would state that now, the construction has been stopped.

5. The only grievance of the petitioner is that illegal construction



W.P.No.5851 of 2022

has been put up obstructing the petitioner's right. The construction is made in the vacant space in the apartment and all the flat owners have rights in respect of the common vacant space available in the apartment. Since the 2nd respondent has now stated that the unauthorised construction has been stopped and the respondents 3 to 10 did not appear before this Court, the 2nd respondent is directed to remove the unauthorized construction built in the western side of the petitioner's flat situated at Block No.5, Dabeer Street, Mayiladuthurai Town, namely the sheds situated adjacent to the western side of the petitioner's house and the vinayaga temple. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (N.M., J.)
21.07.2023

Index : Yes / No
Internet : Yes
vsi

To

1. The District Collector,
Mayiladuthurai District.



W.P.No.5851 of 2022

2. The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai,
Mayiladuthurai District.



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W.P.No.5851 of 2022

J. NISHA BANU, J.
and
N.MALA, J.

vsi

W.P.No.5851 of 2022

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