



W.P.No.6982 of 2020

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM

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

W.P.No.6982 of 2020

J.Jothimani

.... Petitioner

VS

1. The Commissioner,
Salem Municipal Corporation,
Salem.
2. The Assistant Commissioner,
Salem zonal -Suramangalam,
Salem Municipal Corporation,
Salem.
3. The Deputy Director,
Town and Country Planning,
No.6, Sanathi Street, Subramanian Nagar,
Salem - 5.
4. The Assistant Engineer,
TANGEDCO-Sornapuri,
Mettapudur Road,
Fairlands,
Salem - 16.



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5. Vijaya,
W/o Kannan

6. Kannan,
S.o Palanimalai.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd and 3rd respondents to take appropriate action against the 5th and 6th respondents by illegally constructing building situate at 1500 sq.ft. at S.F.No.14 in Alagapuram, Reddiyur Village and subsequently direct the 4th respondent not to grant Electricity connection to the 5th and 6th respondents for the above said illegally constructed building by considering the petitioner's representation dated 12.10.2019

For Petitioner : Mr.G.Munuraj

For Respondents : Mrs.N.Devi,
Standing Counsel for R1 and R2
Mr.T.Sampathkumar,
Government Advocate for R3
Mr.Varunkumar for R4
No appearance for R5 & R6

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 2nd and 3rd respondents to take appropriate action against the 5th and 6th respondents by illegally constructed building situate at 1500 sq.ft. at



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S.F.No.14 in Alagapuram, Reddiyur Village and subsequently direct the 4th respondent not to grant Electricity connection to the 5th and 6th respondents for the above said illegally constructing building by considering the petitioner's representation dated 12.10.2019.

2. The case of the petitioner is that he is having ancestral property to an extent of 1.25 acres at Survey No.14 in Perumal Malai Backside, Alagapuram, Reddiyur Village, Salem, and he is in possession and enjoyment of the said property for the past 50 years along with his family members. The 5th respondent Vijaya, the sister of the petitioner's mother, was in poverty. Therefore, considering her economic situation, the petitioner's father left 250 sq.ft to the 5th respondent to live along with her husband. In 2014, there was a wordy quarrel between the petitioner's family and the 5th and 6th respondents' family regarding possession of the property. Thereafter, the 5th and 6th respondents encroached 1500 sq.ft belonging to the petitioner's family. The petitioner filed O.S.No.544 of 2016 before this District Munsif Court at Salem for permanent injunction and the same is still pending. While so, the 5th and 6th respondents are illegally constructing terrace building in the encroached property without obtaining any approval and plans from the competent authority. Hence, the petitioner sent a representation dated 12.10.2019 to the



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official respondents to take appropriate action against the 5th and 6th respondents since no action was taken by the official respondents, the present writ petition has been filed with the aforesaid relief.

3. When the matter is taken up for hearing, the learned Standing Counsel appearing for the respondent Corporation would state if there is any unauthorised construction in the property in question, necessary action will be taken in the manner known to law.

4. In view of the above submission, this Court directs the 1st to 3rd respondents to take necessary action as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971, if there is any unauthorised construction put up by the 5th and 6th respondent in the property in question.

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

(J.N.B., J.) (N.M., J.)
06.11.2023

vsi

Index : Yes / No

Internet : Yes / No

To

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Salem.



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