



WEB COPY



W.P.No.9715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.9715 of 2023

S.Aadhavan

.. Petitioner

Vs.

1. The Member Secretary
Directorate of Rural Development Agency
Panagal Building
Saithapet, Chennai-600 015.

2.The District Collector
Office of the Collector of Ariyalur
Ariyalur District.

3.The Assistant Director
Directorate of Rural Development Agency
Office of the Collector of Ariyalur
Ariyalur District.

4.The Block Development Officer
Thirumanur, Ariyalur District.

5.The President
Thirumanur Panchayat
Ariyalur District.

6.V.Anima Malar

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to demolish the unauthorised construction made (2 houses and 5 shops) by the 6th respondent for an extent of 5.33 cents constructed without building plan approval at Door No.12, Ariyalur - Thanjavur Main Road, Thirumanur, Ariyalur 621 715 in Old Survey No.33/14 D, New Survey No.33 16D1C (as per patta dated 17.09.2020), Thirumanur Village, Ariyalur Taluk and Ariyalur District.

For Petitioner : Mr.R.Veeramani

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

For R4 & R5 : Mr.S.Prabhakaran
Government Advocate

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 5 to demolish the unauthorised construction (2 houses and 5 shops) made by the 6th respondent for an extent of 5.33 cents at Door No.12, Ariyalur - Thanjavur Main Road, Thimmanur, Ariyalur 621 715 without building plan approval.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government



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Pleader, who takes notice for the respondents 1 to 3 and Mr.S.Prabhakaran, learned Government Advocate, who takes notice for the respondents 4 & 5, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 3 and learned Government Advocate appearing for the respondents 4 & 5 and perused the entire materials on record.

4. According to the petitioner, larger extent of property was partitioned among petitioner's father, paternal uncle and grand father. The petitioner's father was allotted 'C' schedule and petitioner's grand father and paternal uncle were allotted 'A' & 'B' schedule. There was 15 feet road to reach the property allotted to petitioner's father. The petitioner's father constructed a house in the property allotted to him. Now he settled down in Chennai. Taking advantage of his absence, the 6th respondent has constructed two houses and five shops in S.No.33/14D, New S.No.33, Sub-division 16D1C i.e., in A and B schedule property without any approval. The shops constructed by the 6th respondent have blocked the



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entire pathway of 15 feet breadth and obstructed the ingress and egress of access to the house. Now the pathway is only 3 feet. The petitioner has given complaint to the respondents 2 to 5 for removal of unauthorised construction. Since the respondents 2 to 5 have not taken any action, the petitioner has come out with the present Writ Petition for the above stated relief.

5. Considering the submissions made on either side and nature of relief sought for in the Writ Petition, the respondents 1 to 5 are directed to inspect the property in question after issuing notice to the petitioner as well as 6th respondent within a period of two weeks from the date of receipt of a copy of this order and if there is any unauthorised construction found, take appropriate action immediately within four weeks thereafter.

6. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
29.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

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