



WEB COPY



W.P.No.10985 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.10985 of 2023

M.Selvakumar

.. Petitioner

Vs.

1.The Commissioner
Mettur Municipality
Mettur
Salem District.

2.Yamunarani

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to remove the illegal and unauthorised construction put up by the 2nd respondent at Door No.36/107, Thangamapuripattinum, Mettur Dam RS, Salem District.

For Petitioner : Mr. A.Sundaravadhanan



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For R1 : Mr.L.P.Maurya
Standing Counsel

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 1st respondent to remove the illegal and unauthorised construction put up by the 2nd respondent at Door No.36/107, Thangamapuripattinum, Mettur Dam RS, Salem District.

2. By consent of the learned counsel appearing for the petitioner as well as Mr. L.P.Maurya, learned Standing Counsel, who takes notice for the 1st respondent, 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 learned Standing Counsel appearing for the 1st respondent and perused the materials on record.



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4. According to the petitioner, his father has purchased the plot and constructed a house bearing Door No.36/21-C, Thangamapuripattinam, Mettur Dam, Salem District and executed a settlement deed in favour of the petitioner on 25.11.2009. Due to some dispute, the 2nd respondent has given a complaint to the 1st respondent stating that the petitioner and two others had put up compound wall by encroaching upon certain portion of the municipal road and also filed Writ Petition No.14990 of 2018. This Court by order dated 21.06.2018, directed the 1st respondent to take appropriate proceedings after giving opportunity to the petitioner. But the 1st respondent without giving an opportunity of personal hearing to the petitioner, directed the petitioner to remove the encroachment. Thereafter, the 2nd respondent has put up construction in the property violating the rules. The petitioner made a representation to the 1st respondent on 03.11.2022 and has come out with the present Writ Petition for the above stated relief.

5. Considering the nature of relief sought for in the Writ Petition, the 1st respondent is directed to consider the representation of the petitioner dated 03.11.2022, inspect the property after issuing notice to



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the petitioner as well as 2nd respondent and take action on merits and in accordance with law.

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

(V.M.V., J) (V.L.N., J)
11.04.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

The Commissioner
Mettur Municipality
Mettur
Salem District.



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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj

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