



W.P.No.13642 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.13642 of 2023

1.Saravanan

2.Anandakumar

3.Asokan

4.Rajendiran

... Petitioners

versus

1.The District Collector

Office of the District Collector
Dharmapuri - 636 705.

2.The Assistant Director

Regional Office for Municipality
Office of the District Collector
Dharmapuri - 636 705.

3.The Executive Officer

Kambainallur Municipality
Kambainallur Via
Dharmapuri Taluk and District.

4.K.Palanisamy

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari to quash the impugned order of the third respondent in Na.Ka.No.282/2019/A1, dated 30.12.2022 on the proceedings of the third respondent.

For Petitioner : Ms.Rajeswari Karthikeyan
For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader,
for respondents 1 to 3

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

The writ petition has been filed challenging the order of the third respondent Panchayat in Na.Ka.No.282/2019/A1, dated 30.12.2022 by asking the petitioner to demolish the unauthorized construction within 15 days.

2. When the matter is taken up for hearing, learned Additional Government Pleader for the third respondent pachayat, on written instructions, has informed the Court that based on the directions passed by this Court dated 09.12.2022, the third respondent



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panchayat has served the impugned notice dated 30.12.2022 to the petitioners. He has further submitted that the third respondent Panchayat has now inspected the building in question and found that the petitioners herein have constructed the building in question only after obtaining permission from the authority concerned and patta also stands in the name of the petitioners herein from the year 1989. The petitioners have also paid property tax from the year 1981-2003 for the aforementioned property.

3. From the above statement made by the learned Additional Government Pleader for the third respondent panchayat, it is clearly seen that the third respondent panchayat has mechanically passed the impugned order dated 30.12.2022, without inspecting the property in question and therefore, accepting the instructions submitted before this Court, no further orders are required. Hence, the impugned order dated 30.12.2022, is quashed. We direct the third respondent panchayat to forward the aforementioned inspection report along with a copy of this order, to the petitioner and well as to the fourth respondent, and also to the interested parties, if any, within a period of two weeks from the date of receipt of a copy of this order and



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thereafter, the Commissioner, after affording an opportunity to all concerned, shall pass orders, on merits and in accordance with law, within a period of 12 weeks there from.

4. With the above directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, WMP Nos.13314 and 13315 of 2023 are closed.

[D.K.K., J.] [P.D.B., J.]
28.06.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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To

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D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.

(mrn)

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