



WEB COPY



W.P.No.12425 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.12425 of 2021 and

WMP No.13212 of 2021

S.Arivzzhagan

... Petitioner

Vs.

1. The District Collector, Cuddalore.

2. The Municipal Commissioner,
Cuddalore Municipality, Cuddalore.

3. Vinayagam

4. Durai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to demolish the construction in Plot No.7, Natesan Nagar, Thirupapuliyur, Cuddalore based on the demolition notice dated 28.03.2018.

For Petitioner : Mr.S.C.Vishwanth

For Respondents : Mr.Vijay Anand, Addl.Govt.Pleader
for Respondents 1 and 2

Mr.M.Vijaya Raghavan
for Respondents 3 and 4

ORDER



W.P.No.12425 of 2021

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

This writ petition has been filed to direct the second respondent to demolish the construction in Plot No.7, Natesan Nagar, Thirupapuliur, Cuddalore, based on the demolition notice dated 28.03.2018.

2. The petitioner is owner of the property at No.6, Natesan Street, Thirupapuliur, Cuddalore. The respondents 3 and 4 had constructed superstructure in their land, without obtained any planning permission, by annexing some vacant site, belongs to the petitioner. On complaint made by the petitioner, the 2nd respondent had issued demolition notice on 28.03.2019 to the fourth respondent against the unauthorized construction. While the demolition notice was in force, the respondents 3 and 4 have raised superstructure, contrary to the law. Therefore, the petitioner has made a representation dated 11.05.2021 to the first and second respondents to take action. However, no action was taken. Hence the writ petition.

3. Mr.E.Vijay Anand, learned Additional Government Pleader is



W.P.No.12425 of 2021

directed to take notice for the respondents 1 and 2.

WEB COPY

4. Considering the facts and circumstances of the case, without expressing any opinion on merits, the second respondent is directed to consider the representation of the petitioner dated 11.05.2021 and pass orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunities to the petitioner as well as the respondents 3 and 4.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.) (P.D.B.J.)

16.06.2023

Internet: Yes/No
Index : Yes/No
mst

To

Page 3 of 5



W.P.No.12425 of 2021

1. The District Collector, Cuddalore.
2. The Municipal Commissioner,
Cuddalore Municipality, Cuddalore.

WEB COPY



WEB COPY



W.P.No.12425 of 2021

D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

mst

W.P.No.12425 of 2021

16.06.2023