



W.P. No.17008 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P. No.17008 of 2023

G.Chandrasekar

.. Petitioner

Versus

1. The Commissioner,
Corporation of Salem,
Salem.

2. Devi Suhasini

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the 1st respondent herein to consider the representation of the petitioner dated 10.03.2023 sent for taking action against the 2nd respondent herein for putting up illegal construction and to stop the work in accordance with law and within a stipulated period.

For petitioner : Mr.K.Govi Ganesan

For respondents : Mrs.N.Devi, Standing Counsel for R1



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ORDER

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

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent herein to consider the representation of the petitioner dated 10.03.2023 and take action against the second respondent for putting up illegal construction and also to stop the work in accordance with law.

2. It is the case of the petitioner that he is the absolute owner of the house and property situated at No.226/90G, Rajaji Avenue, P & T Colony (East), New Fair Lands, Salem. Recently, the second respondent herein purchased a plot adjacent to his house and started construction without obtaining any planning permission. Hence, he sent a representation, dated 10.03.2023 to the first respondent to take necessary action against the illegal construction put up by the second respondent. However, the said representation has not been considered and hence, the present Writ Petition.



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3. When the matter came up before this Court on 08.06.2023, this Court directed the first respondent to file a status report. As per the order of this Court, the first respondent has filed status report dated 16.06.2023 stating that the second respondent had obtained building permission but constructed the building with deviation. Therefore, the first respondent issued notice, dated 03.04.2023 under Sections 282 (1) (12), 283, 447, 471 and 472 of the Salem City Municipal Corporation Act to stop the work. Subsequently, confirmation noticed was issued on 17.04.2023. Now, steps have been taken to serve notice to the second respondent under Form No.I under Sections 56 and 57 of the Town and Country Planning Act.

4. It is represented that the second respondent has filed an appeal before the Government and the same is pending for consideration.

5. Considering the above submissions, this Court is of the view that after disposal of the appeal filed by the second respondent before the Government, the first respondent Corporation shall take appropriate action



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against the unauthorised construction, if any, after issuing notice to the parties, in accordance with law. Accordingly, the Writ Petition is disposed of. No costs.

[D.K.K., J] [P.D.B., J]
26.06.2023

Speaking order: Yes/No
Index : Yes/No
pvs

To
The Commissioner,
Corporation of Salem,
Salem.



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

pvs

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