



W.P.No.17355 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.17355 of 2021
and W.M.P.No.18390 of 2021

R.Vimalarani
Petitioner

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Vs.

1. The District Collector
Collectorate, Salem.

2. The Deputy Collector
Town Panchayat, Collectorate, Salem District.

3. The Executive Officer
Tammappatti Municipality Office, Gangavalli Taluk, Salem District.

4. C. Prasanan
Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 to 3 respondents to act up on the petitioner representation dated 12.07.2021 and to take appropriate action for demolition of the unauthorized commercial construction of the 4th respondent premises which is situated in S.No. 375/21 Koneripatti Village, Gangavalli Taluk, Salem District

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For Petitioner : Mr.A.Rajkumar
For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader for RR1 & 2
Mr.K.V.Sajeev Kumar for R3
Mr.R.Nalliyappan for R4

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to act upon the petitioner's representation dated 12.07.2021 and to take appropriate action for demolition of the unauthorized commercial construction of the 4th respondent premises, situated in S.No.375/21, Koneripatti Village, Gangavalli Taluk, Salem District.

2.It is averred in the affidavit of the Writ Petition that the petitioner owns the property bearing S.No.375/19, 375/20 in Koneripatti Village, Gangavalli Taluk, Salem District. According to the petitioner, the 4th respondent is his adjacent landowner, situated at the same Village in S.No.375/21. Further, it is averred in the affidavit that the 4th respondent without obtaining any permission from the official respondent, put up unauthorized construction in his property and also encroached upon the

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petitioner's property. Therefore, the petitioner made a representation dated 12.07.2021 before the respondents 1 to 3, requesting them to take appropriate action on the unauthorized construction, put up by the 4th respondent. Since no action has been taken by the official respondents, the petitioner has filed the present Writ Petition, seeking the above relief.

3.The learned Special Government Pleader appearing for the 3rd respondent filed status report stating that the 3rd respondent has issued notice to the 4th respondent in Na.Ka.No.430/2021/A1 dated 21.07.2021, to get permission along with blueprint plan for the alleged construction, within 3 days from the date of receipt of that notice. After receipt of the said notice, the 4th respondent stopped construction and applied for building plan approval, before the 3rd respondent. He would further submit that due to the pendency of this Writ Petition, his application for Plan Approval is kept pending by the 3rd respondent.

4.Considering the submissions made by the learned counsel for the petitioner as well as the learned Special Government Pleader, this Court



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without expressing any opinion on the merits of the matter, directs the respondents 1 to 3, to afford an opportunity of personal hearing to the petitioner as well as the 4th respondent, while considering the building plan application filed by the 4th respondent and pass orders in accordance with law. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

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

(J.N.B.,J.) (N.M.,J.)
17.10.2023

Index : Yes / No

Speaking Order : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

1. The District Collector
Collectorate, Salem.

2. The Deputy Collector
Town Panchayat, Collectorate, Salem District.

3. The Executive Officer
Tammappatti Municipality Office, Gangavalli Taluk, Salem District.

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J.NISHA BANU,J.
and
N.MALA,J.

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