



W.P.No.18259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.18259 of 2023

C.Munisamy

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Krishnagiri 635 113.

2. The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Krishnagiri 635 107.

3. K.Muniraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to remove the illegal construction of the third respondent in S.No.842/39, situated at Iruthulam Village of Bodichipalli Denkanikottai Taluk of Krishnagiri District with provisions of Town and Country Planning Act and



W.P.No.18259 of 2023

Tamilnadu Panchayat Building Rules 1997 on the basis of petitioner's representation dated 28.03.2023, within the time limit as fixed by this Court.

For Petitioner : Mr.A.Anantharaj

For Respondents : Mr.A.Selvendran,

Spl.Govt.Pleader for R1 and R2

ORDER

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

This petition has been filed to direct the first and second respondents to remove the illegal construction of the third respondent in S.No.842/39, situated at Iruthulam Village of Bodichipalli Denkanikottai Taluk of Krishnagiri District with the provisions of Town and Country Planning Act and Tamilnadu Panchayat Building Rules 1997 on the basis of petitioner's representation dated 28.03.2023, within the time limit as fixed by this Court.

2. According to the petitioner, the third respondent had willfully encroached the above said Government Promboke land, which is using as pathway and had constructed toilets for his own purpose. In this regard, the



W.P.No.18259 of 2023

petitioner has made a representation before the first and second respondent to take action against the illegal encroachment and construction made by the third respondent. But it was not considered. Hence the writ petition.

3. Mr.A.Selvendran, learned Special Government Pleader takes notice for the first and second respondent and submitted that, the representation of the petitioner will be considered by the second respondent and appropriate orders will be passed in accordance with law.

4. In view of the above submission, and considering the limited scope of prayer, without expressing any opinion on merits, we inclined to pass the following order.

i) The second respondent is directed to consider the representation of the petitioner dated 28.03.2023 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 opportunity to the petitioner as well as the third respondent.



W.P.No.18259 of 2023

ii) If the second respondent finds that the third respondent has made an illegal/unauthorized construction, the second respondent is directed to take necessary action for removal of such illegal/ unauthorized construction.

5. With the above direction, this writ petition is disposed of. No costs.

(D.K.K.J.)

(P.D.B.J.)

21.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

1.The District Collector,
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2. The Revenue Tahsildar,
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W.P.No.18259 of 2023

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and

P. DHANABAL, J.

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W.P.No.18259 of 2023

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