



WEB COPY



W.P.No.21994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No. 21994 of 2023

P.Nithesh

.....Petitioner

vs

1.The District Collector,
Villupuram District,
Villupuram.

2. The District Revenue Officer,
Villupuram District,
Villupuram.

3.The Municipal Commissioner,
Villupuram District,
Villupuram.

4.The Town Planning Officer,
Villupuram District,
Villupuram.

5.N.Jayaram

....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1 to 4 respondents herein to consider the petitioner's representation dated 10.04.2023 and consequently direct the 5th respondent to remove the unauthorized building constructed by Jayaram 5th respondent herein.



W.P.No.21994 of 2023

WEB COPY

For Petitioner : Mr.R.Ranjith Kumar

For Respondents : Mr.R.Vigneswaran for R1 and R2
Government Advocate
Mr.E.Vijay Anand for R3 and R4
Additional Government Pleader
Mr.A.K.Rajaraman for R5

ORDER

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

This writ petition has been filed to direct the respondents 1 to 4, to consider the petitioner's representation dated 10.04.2023 and consequently, direct the 5th respondent to remove the unauthorized building constructed by the 5th respondent/Jayaram.

2. Learned counsel appearing for the petitioner would submit that, the petitioner is the absolute owner of the property situated at No.8, Napaliya Lane, Villupuram Taluk. The 5th respondent/N.Jayaram is the adjacent land owner of the petitioner's property and without giving notice and obtaining building plan approval, he trespassed the petitioner's house and demolished the left side of his building compound wall and unauthorisedly constructed the building. Aggrieved by the same, the



W.P.No.21994 of 2023

petitioner had sent a representation dated 10.04.2023 to the concerned authorities, but the same has not been considered till date. Hence, the present writ petition.

3. Learned Additional Government Pleader appearing for R3 and R4 had submitted a report stating that, on inspection, it was found that the 5th respondent had constructed the building unauthorisedly without getting prior plan approval from the municipality.

4. When this Court posed a specific question to the learned counsel appearing for R5 that, whether he had any plan approval for the building or not. For that, he stated that he has no instructions about the building plan approval, but civil suit between the petitioner and 5th respondent is pending before the Civil Court.

5. Pendency of the civil dispute does not entitle the 5th respondent to put unauthorised construction. Therefore, we direct the 3rd respondent to take appropriate action with regard to the notice dated 31.08.2023 and the 3rd respondent shall also take further enforcement



W.P.No.21994 of 2023

action as against the unauthorised construction put up by the 5th respondent, within a period of eight(8) weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of.

No costs.

(J.N.B,J.) (N.M., J.)
15.09.2023

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order



W.P.No.21994 of 2023

To

1.The District Collector,
Villupuram District,
Villupuram.

2. The District Revenue Officer,
Villupuram District,
Villupuram.

3.The Municipal Commissioner
Villupuram District,
Villupuram.

4.The Town Planning Officer,
Villupuram District,
Villupuram.



WEB COPY



W.P.No.21994 of 2023

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

msv

W.P.No. 21994 of 2023

15.09.2023