



WEB COPY



W.P.No.361 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.361 of 2021

N.Prabakaran

... Petitioner

Vs.

1. The Commissioner,
Salem Corporation,
Salem.

2. Thavamani

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the first respondent to take appropriate action to demolish the unlawful construction made by the second respondent over the property comprised in T.S.No.29/1, Komarasamipatti Village (Peramanur East Street), Salem -7 by considering the representations of the petitioner herein dated 11.10.2019.

For Petitioner	: Mr.R.Nalliyappan
For Respondent 1	: Mrs.N.Devi Senior Counsel

For Respondent 2	: Mr.R.Prabu Doss
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ORDER

The writ petition has been filed to direct the first respondent to take appropriate action, to demolish the unlawful construction made by the second respondent over the property comprised in T.S.No.29/1, Komarasamipatti Village (Peramanur East Street), Salem -7 by considering the petitioner's representation dated 11.10.2019.

2. The learned counsel for the petitioner would submit that the second respondent herein without obtaining proper approval from the first respondent had proceeded with the construction and further she encroached the public road and odai. Under such circumstances, the petitioner made a representation to the first respondent on 11.10.2019, to take appropriate action against the unlawful construction. He also submitted that this Court also passed the order in W.P.No.5666 of 2019 on 01.03.2019, despite the order passed by this Court, the second respondent had proceeded with the construction by encroaching over the adjacent Mayor Nagar Odai Porampoke land.

3. Heard both sides and perused the materials available on record.



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4. The typed set of papers filed by the petitioner would indicate that the Advocate Commissioner, appointed in this regard had filed a report and stated that there was no encroachment on the Odai Porampoke land and further submitted that the second respondent had constructed the building in the subject property without obtaining proper permission from the authorities, in which prosecution has been already initiated before the Judicial Magistrate, Salem.

5. In such view of the matter, the allegation made by the petitioner against the second respondent that he had constructed the building by encroaching the Odai Poramboke land is nothing but abuse of process of law. Accordingly, the writ petition stands dismissed. No costs.

13.02.2023

Index :Yes/No
Internet:Yes/No
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N. SATHISH KUMAR, J.



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WEB COPY To

The Commissioner,
Salem Corporation,
Salem.

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