



WP No.34073 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.34073 of 2019

Vallalar Nagar Kudi Iruppor Nala Sangam

Rep. by its Vice President

Durai Karunanidhi

: Petitioner

Vs

1.The District Collector

Villupruam

2.The Commissioner

Villupruam Municipality, Villupruam

3.A. Shanmugam

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 and 2 to remove the encroachment of unauthorized construction of car park in S.No.337/B2 Bhairavi Street, Vallalar Nagar, Vandimedu, Villupruam made by 3rd respondent and further direct the 2nd respondent to maintain the land for the welfare of the residents of petitioner association.

For the Petitioner : Mr.Abhirame

For Respondent No.1 : Mrs.R.Anitha, Spl.G.P.

For Respondent No.2 : Mr.P.Srinivas

For Respondent No.3 : Mr.L.S.M.Hasanfizar



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WP No.34073 of 2019

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.Abhirame, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader, appearing for the first respondent, Mr.P.Srinivas, learned counsel appearing for the second respondent and Mr.L.S.M.Hasan Fizal, learned counsel appearing for the third respondent.

2. The learned counsel for the petitioner submits that the third respondent is in possession of a piece of land reserved for public purpose and despite representation to the authorities, no action is taken.

3. A counter-affidavit is filed by the Commissioner, Villupuram Municipality suggesting that layout has not been approved. Some of the plot owners have approached the authorities for regularisation of their plots and on individual case to case basis, approval of plots have been granted on payment of the schedule of fees on square feet basis.



WP No.34073 of 2019

WEB COPY

4. It is stated that with regard to unauthorised construction by the third respondent, notice has been issued on 20.01.2020 and further action would be taken with regard to the same.

5. If the construction is unauthorised and no action is taken, then the authority shall take action against such unauthorised construction, in accordance with law. As regards other reliefs, the petitioner may avail the remedy as may be permissible under law.

6. The writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

21.12.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

1.The District Collector
Villupruam

2.The Commissioner
Villupruam Municipality, Villupruam

Page 3 of 4



WEB COPY



WP No.34073 of 2019

THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

(tar)

WP No.34073 of 2019

21.12.2023