



W.P.No.29615 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition No.29615 of 2022
and
W.M.P.No.337 of 2023
--

Mrs.Noor Jahan

.. Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District Collector Office,
73 CCM+ 7WV, Vengikkal,
Thiruvannamalai (Town and District).
2. Assistant Director,
Town and Country Planning Office,
D.No.27/A, Manaloorpet Road,
Mariyamman Kovil Street,
Thiruvannamalai-606 001.
3. V.P.M.L.Liyagath Ali
4. I.V.Vasanthavelan
5. Bala Auto Consultancy,
No.1532/9, VPM Lal Complex,
Kanchi Road, Vengikkal,
Thiruvannamalai District.
6. Shanmuga Auto Garage,
No.1532/8, VPM Lal Complex,
Kanchi Road, Vengikkal,
Thiruvannamalai District.

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7. A.Narayanasamy

8. TGM.Parthippan

9. Brama Sri N.Shanmugam Aachariyar

10. M.Nagamani

11. Sri Amman Agency,
Dhevanam Kadai, Amarnath Consultancy,
No.1532/01,VPM Lal Complex,
Kanchi Road, Vengikkal, Thiruvannamalai District.

12. K.Natesan

13. K.Prabhakaran

14. Kavitha Selvam

(Respondents 4 to 14 impleaded, vide order
dated 21.11.2022 made in W.M.P.No.30286 of 2022
in W.P.No.29615 of 2022)

15. The Block Development Officer,
Thiruvannamalai Panjayat Union,
Thiruvannamalai (Town and District).

16. The Panjayat President,
Venkikkal Panjayat,
Thiruvannamalai Panjayat Union,
Thiruvannamalai (Town and District).

(Respondents 15 and 16 impleaded,
vide order dated 19.06.2023 made in
W.M.P.No.337 of 2023 in W.P.No.29615 of 2022)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying
for issuance of a Writ of Mandamus to direct the respondents to take appropriate
actions against the commercial complex situated at No.1532/A, Kanchi Road,

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Vengikkal Village, Thiruvannamalai (Taluk and District) Survey No.258 (1A1A3) under the Tamil Nadu Town and Country Planning Act, 1971, for construction of unauthorised building based on the petitioner's representation, dated 24.08.2022 within time frame fixed by this Court.

For petitioner : Mr.T.C.Gopalakrishnan

For respondents: Mr.E.Vijay Anand, Addl.G.P. for RR-1, 2, 15 and 16

Mr.P.R.Balasubramanian for R-3

M/s.A.Lobamudra for R-4

Not ready in notice regarding RR-5 to 14

ORDER

(The Order of the Court was made by D.Krishnakumar, J)

During the pendency of the above Writ Petition, the petitioner has filed W.M.P.No.337 of 2023 to impleaded the proposed respondents 15 and 16 as parties to the present Writ Petition. This Court heard both parties and on perusing the affidavit filed in support of W.M.P.No.337 of 2023, is of the view that the proposed respondents 15 and 16 are proper and necessary parties to the main Writ Petition. Accordingly, they are impleaded as respondents 15 and 16 to the Writ Petition. W.M.P.No.337 of 2023 is ordered accordingly.

2. This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to take appropriate actions against the commercial complex

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situated at No.1532/A, Kanchi Road, Vengikkal Village, Thiruvannamalai (Taluk and District) Survey No.258 (1A1A3) under the Tamil Nadu Town and Country Planning Act, 1971, for construction of unauthorised building based on the petitioner's representation, dated 24.08.2022 within time frame fixed by this Court.

3. The petitioner has made a representation, dated 24.08.2022 to respondents 1 and 2 to take appropriate action against the unauthorised construction of commercial complex in the property in question under the Tamil Nadu Town and Country Planning Act, 1971 and as there was no response from the official respondents, the present Writ Petition has been filed for the relief stated supra.

4. Learned Additional Government Pleader appearing for the official respondents has informed the Court that the said representation will be considered and appropriate orders will be passed in accordance with law, within specified time that may be fixed by this Court.

5. Considering the facts and circumstances and the submissions made on either side, and since so far, no representation has been made to respondent No.15/BDO, learned Additional Government Pleader is directed to take notice for

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the 15th respondent/BDO and the said representation dated 24.08.2022 shall be placed before the 15th respondent/BDO and the second respondent/Assistant Director of Town and Country Planning, Thiruvannamalai shall send communication to the respondent No.15/BDO and also to the sixteenth respondent/Panjayat President, Venkikkal Panjayat, for taking necessary action in respect of the unauthorised construction made in the building in question under the provisions of the Tamil Nadu Town and Country Planning Act.

6. In the light of the above facts and circumstances, the learned Addl.G.P. stated that necessary instructions will be issued to the concerned official respondent(s) for removal of unauthorised construction made in the property in question.

7. We accordingly direct the first respondent/District Collector/Inspector of Panchayat to take necessary action by considering the representation, dated 24.08.2022 under Sections 56 and 57 of the said Act, lock and seal the premises in question, if necessary, after affording an opportunity of hearing to the parties concerned. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of with the above observations/directions.

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There shall be no order as to costs.

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(D.K.K., J) (P.D.B., J)
19.06.2023

Index: Yes/no
Speaking Order: Yes/no
Neutral Citation: Yes/no
CS

To

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Thiruvannamalai (Town and District).
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and

P.DHANABAL, J

CS

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