



WP No.33499 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.33499 of 2022

M.Kalaiselvan

... Petitioner

-VS-

1. The Director,
Town and Country Planning Office,
Koyambedu, Chennai 107.
2. The Assistant Director,
District Town and Country Planning Office,
No.6, Sannathi Street, Subramaniya Nagar,
Suramangalam, Salem 636 005.
3. Executive Officer,
Mechery Special Township,
Mechery, Salem (District).
4. Executive Engineer,
Operation and Maintenance - TANGEDCO,
Mettur Dam, Mettur 636 401.
5. District Fire Officer,
Vidhyalaya Road, Seerangapalayam East,
Seerangapalayam, Salem 636 007.

6. Dr.G.Vijayakumar

.. Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the 3rd respondent herein to take action against unauthorised ongoing commercial construction on the site situated at Survey No.175/a29, 175/a29a, 175/a29b and 175/a2a1a in Mechery Township near north west of Mechery bus stand, Mechery 636 453, Salem District measuring about 20000 sqft. pursuant to the representation of the petitioner dated 04.07.2022 within a time frame to be fixed by this Court.

For the Petitioner : Mr.T.C.Gopalakrishnan

For the Respondents : Mr.P.Muthukumar,
State Govt. Pleader
for RR 1 to 3 and 5

: Mr.R.Singaravelan
Senior Counsel
for Mr.N.Suresh Babu for R-6

* * * * *

ORDER

(Made by the Hon'ble Acting Chief Justice)

Mr.M.Kalaiselvan, S/o.K.Mathaiyan, has come to this Court for issuance of writ of mandamus to direct the third respondent to take action against unauthorised ongoing commercial construction on the site situated at Survey No.175/a29, 175/a29a, 175/a29b and 175/a2a1a in Mechery Township near north west of Mechery bus



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stand, Mechery 636 453, Salem District, measuring about 20000 sqft. based on the representation of the petitioner dated 04.07.2022 within a time frame.

2. Learned counsel for the petitioner would submit that the petitioner is a resident of the locality where the ongoing commercial construction is being put up and that there is no proper display board showing the planning approval proceedings from the competent authority and since the said construction is on the land measuring about 20000 sq.ft., no measures have been taken for public safety and without proper arrangement of the access road, the construction is being undertaken, which will lead to traffic congestion. He would submit that there is a government girls school located nearby and this type of illegal construction without any proper approval would affect the government revenue evading statutory charges. By way of an application dated 25.02.2022 to the third respondent, he sought for information regarding planning approval under the Right to Information Act and the third respondent through his reply stated that he is unable to furnish the details regarding the plan approval. Therefore, the petitioner, after confirming that there is no proper plan approval for the ongoing commercial construction, sent a detailed



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representation dated 04.07.2022 requesting for action against the unauthorised building. The said representation evoked no response from the respondents and therefore, this writ petition has been filed.

3. Mr.R.Singaravelan, learned senior counsel appearing for the sixth respondent fairly submitted that the representation of the petitioner dated 04.07.2022 may be considered and the sixth respondent also may be heard before passing any final order.

4. Recording the submission of the learned senior counsel appearing for the sixth respondent, we dispose of the writ petition by directing the first respondent to dispose of the representation dated 04.07.2022 of the petitioner, after affording an opportunity of hearing to both the petitioner, the sixth respondent and any other parties concerned and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
28.04.2023

Index : Yes/No
Neutral Citation : Yes/No
sra



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D.BHARATHA CHAKRAVARTHY, J.

(sra)

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